United Nations A/CONF.210/2016/5

General Assembly

Distr.: General
1 August 2016

Original: English

Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
New York, 23-27 May 2016

Report of the resumed Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Prepared by the President of the Conference

16-13253 (E) 190816

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Contents

		Page
I.	Introduction	3
II.	Opening of the resumed Review Conference	3
III.	Election of the President	4
IV.	Opening statements	4
V.	Adoption of the agenda	4
VI.	Election of officers other than the President	5
VII.	Organization of work	5
VIII.	Credentials of representatives to the Conference	5
IX.	Presentation of the report of the twelfth round of informal consultations	6
X.	Consideration of the report on the status of the Assistance Fund under Part VII of the Agreement	6
XI.	Assessment of the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks	7
XII.	Adoption of the final report of the resumed Review Conference	31
XIII.	Suspension of the Conference	32
XIV.	Other matters	32
Annex		
	Outcome of the resumed Review Conference	33

I. Introduction

1. Pursuant to article 36 of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement),[1] the Secretary-General had convened a Review Conference on the Agreement in 2006. The Review Conference was mandated to assess the effectiveness of the Agreement in securing the conservation and management of straddling and highly migratory fish stocks by reviewing and assessing the adequacy of its provisions and, if necessary, proposing means of strengthening the substance and methods of implementation of those provisions in order better to address any continuing problems in the conservation and management of those stocks.[2] The Review Conference was resumed from 24 to 28 May 2010, in accordance with General Assembly resolutions 63/112 and 64/72.[3]

2. The resumed Review Conference agreed to keep the Agreement under review through the resumption of the Review Conference at a date not earlier than 2015, to be agreed at a future round of informal consultations of States parties to the Agreement (informal consultations).[4] Pursuant to an agreement at the tenth round of informal consultations, in March 2014, the General Assembly, in its resolution 70/75, requested the Secretary-General to resume the Review Conference from 23 to 27 May 2016. The Assembly also requested the Secretary-General to submit to the resumed Review Conference an updated comprehensive report, prepared in cooperation with the Food and Agriculture Organization of the United Nations (FAO), to assist the Conference in discharging its mandate under article 36 of the Agreement.[5]

3. The report of the Secretary-General contained an overview of the status and trends of straddling fish stocks and highly migratory fish stocks, discrete high seas stocks and non-target, associated and dependent species. It also provided a review and analysis of the extent to which the recommendations adopted by the Review Conference in 2006 and 2010 have been implemented by States and regional fisheries management organizations and arrangements (RFMO/As), including a description of relevant activities of FAO.

4. In accordance with article 36 of the Agreement, the Secretary-General extended invitations to participate in the resumed Review Conference to all States parties to the Agreement and those States and entities that are entitled to become parties, as well as those intergovernmental and non-governmental organizations entitled to participate as observers.

II. Opening of the resumed Review Conference

5. On behalf of the Secretary-General, the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel opened the resumed Review Conference. He recalled that, since the President of the Review Conference in 2006 and 2010,

[1] United Nations, *Treaty Series*, vol. 2167, No. 37924.
[2] General Assembly resolutions 59/25 and 60/31.
[3] A/CONF.210/2010/7.
[4] Ibid., annex, para. 8 (b).
[5] A/CONF.210/2016/1.

David Balton (United States of America), had indicated that he would no longer be able to serve in that capacity, elections would need to be held for a new President.

III. Election of the President

6. The Conference elected Fábio Hazin, Professor, Fisheries and Aquaculture Department of the Universidade Federal Rural of Pernambuco, Brazil, as President of the Conference by acclamation.

IV. Opening statements

7. The President expressed his appreciation to delegations and to Mr. Balton, who had set a high standard as President of the Review Conference in both 2006 and 2010. He stressed that the Review Conference provided an opportunity to promote the effective conservation and management of the world's straddling fish stocks and highly migratory fish stocks and that it played a vital role in strengthening the implementation of the Agreement. The President welcomed the increased participation under the Agreement, with 26 additional States having become parties since the Conference held in 2006, and stressed the importance of continuing to work together towards the goal of universal participation. He highlighted some of the positive developments in the implementation of the recommendations of the Conference, including the upcoming entry into force of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing on 5 June 2016.

8. On behalf of the Secretary-General, the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel welcomed participants to the resumed Review Conference. He recalled that the Agreement had established a comprehensive legal regime for the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks through the implementation of the United Nations Convention on the Law of the Sea (the Convention);[6] and noted that, although the overall status of straddling fish stocks and highly migratory fish stocks had not improved since 2006 and 2010, the recommendations adopted in 2006 and 2010 had had a considerable impact on the practice of States and regional fisheries management organizations and arrangements, and provided the impetus for many international efforts. He stressed the importance of full implementation of the Agreement, particularly considering that fish stocks were expected to face increased pressures in the near future, including from climate change, ocean acidification and marine pollution, as well as continued overfishing.

V. Adoption of the agenda

9. The Conference considered its provisional agenda (A/CONF.210/2016/L.1), to which a number of proposed amendments were agreed. The Conference adopted the agenda, as amended (A/CONF.210/2016/3).

[6] United Nations, *Treaty Series*, vol. 1833, No. 31363.

VI. Election of officers other than the President

10. The President recalled that, in accordance with rule 10 of the provisional rules of procedure,[7] the Bureau of the Conference was composed of the President and seven Vice-Presidents: five Vice-Presidents to be elected from among representatives of the States parties to the Agreement, giving due consideration to geographical representation, and two Vice-Presidents to be elected from any region from among the representatives of the participating States not party to the Agreement. He explained that since none of the Vice-Presidents confirmed or elected at the resumed Review Conference in 2010 were in a position to resume their functions, elections would need to be held to fill seven vacancies in the Bureau.

11. The Review Conference elected Luke Daunivalu (Fiji), Cristián Laborda (Chile), María del Mar Fernández Merlo (Spain) and James Waweru (Kenya) as Vice-Presidents from among States parties and Li Yongsheng (China) from among States not party to serve as Vice-Presidents. The two remaining positions of Vice-President were not filled.

VII. Organization of work

12. The Conference adopted its organization of work, contained in document A/CONF.210/2016/L.2, as amended.

13. The Conference agreed that the Drafting Committee would be chaired by Luke Daunivalu (Fiji).

VIII. Credentials of representatives to the Conference

14. The President recalled that in 2006, in accordance with rule 8 of the provisional rules of procedure, the Review Conference had appointed a Credentials Committee of nine members representing the following States parties to the Agreement: Germany, India, Mauritius, Norway, Saint Lucia, South Africa, Sri Lanka, Ukraine and Uruguay. In light of the fact that Germany, India and Mauritius were no longer in a position to serve on the Committee, the resumed Review Conference appointed the Netherlands and Nigeria to the Credentials Committee and confirmed Norway, Saint Lucia, South Africa, Sri Lanka, Ukraine and Uruguay as members of the Committee.

15. The Credentials Committee held an organizational meeting on 23 May 2016, during which it elected Sonali Samarasinghe (Sri Lanka) as Chair and Thembile Elphus Joyini (South Africa) as Vice-Chair. At its second meeting, on 26 May 2016, the Committee examined and accepted the credentials of representatives to the resumed Review Conference from 82 participating States, including the European Union.

[7] A/CONF.210/2006/6.

16. On 26 May 2016, the resumed Review Conference approved the report of the Credentials Committee (A/CONF.210/2016/4).[8]

IX. Presentation of the report of the twelfth round of informal consultations

17. The Conference took note of the report of the twelfth round of informal consultations of States parties to the Agreement, held on 22 and 23 March 2016,[9] which was introduced by the President.

18. As agreed during the twelfth round, the Conference considered two issues, which had not been previously included in its recommendations: labour conditions and the avoidance of the transfer of a disproportionate burden of conservation action to developing States (see paras. 176-182).

X. Consideration of the report on the status of the Assistance Fund under Part VII of the Agreement

19. The representative of FAO presented the financial report on the status of the Assistance Fund established under part VII of the Agreement.[10] He noted that since 2010, contributions had been received from Australia and Norway, but that further contributions were needed. The current balance of the Fund was less than US$ 80,000, which based on current usage rates, would not last beyond the end of 2016. The representative of FAO also introduced a note by FAO on reinforcing the use of the Part VII Assistance Fund.[11]

20. Several delegations supported a more diverse use of the Fund, while a view was expressed that travel-related support should remain a major part of the Fund's purpose. Several delegations supported the belief that contributions made to the Fund could be directed towards specific projects, while one delegation stressed the need for such projects to be demand-driven rather than tailored to donors' priorities. The view was expressed that States that were more vulnerable to the effects of climate change could be given priority access to the Fund. Delegations echoed the call for replenishment of the Fund and in this regard, a view was expressed that assessed contributions to the Fund could be considered (see also paras. 167-171).

21. The Conference took note of the report presented by the representative of FAO on the status of the Assistance Fund and supported the suggestions made by FAO in its note on reinforcing the usage of the Fund.

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[8] Following the approval of the report of the Credentials Committee, the Secretariat received formal credentials for the representatives of Indonesia, Kuwait, Lebanon, Mauritius, South Africa and Trinidad and Tobago and information concerning the appointment of representatives of Guinea, bringing the total number of credentials to 84.

[9] ICSP12/UNFSA/INF.3.

[10] A/CONF.210/2016/2.

[11] www.un.org/depts/los/reference_files/Note_by_FAO_on_the_Part_VII_Assistance_Fund.pdf.

XI. Assessment of the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks

22. The following paragraphs summarize the views expressed during the consideration of agenda item 10, entitled "Assessment of the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks, as guided by the organization of work of the Conference". They include a summary of the general statements made by delegations and statements made during the consideration of agenda item 8, entitled "Presentation of the report of the twelfth round of informal consultations of States parties to the Agreement".

A. Review of the implementation of the recommendations adopted at the Review Conference in 2006 and 2010 and means of strengthening the substance and methods of their implementation

23. Delegations reiterated the importance that they ascribed to the Agreement and noted that the resumed Review Conference provided a timely opportunity to review progress in the implementation of the Agreement.

24. Many delegations expressed appreciation for the report of the Secretary-General submitted to the resumed Review Conference in accordance with paragraph 41 of General Assembly resolution 69/109, to assist it in discharging its mandate under article 36 (2) of the Agreement (see paras. 2-3 above). However, concern was expressed by several delegations regarding the low number of responses to the questionnaire. In this regard, it was suggested that the recommendations or the questionnaire be streamlined, or be made available in a more flexible and practical format. Several delegations also pointed out that while the Secretary-General's report stated that increases in catches of skipjack tuna may be sustainable,[12] the stock should be considered fully exploited, in line with the interim target reference point for the Western Pacific skipjack stock agreed in December 2015.

25. Specific developments and progress achieved since the resumed Review Conference in 2010 highlighted during the Conference included: increased participation in the Agreement; the formation of new regional fisheries management organizations and arrangements; the enhanced collaboration between those organizations and arrangements; the imminent entry into force of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of FAO;[13] the adoption of the 2030 Agenda for Sustainable Development (the 2030 Agenda)[14] which includes an ocean-specific Sustainable Development Goal (Goal 14), as well as the decision of the General Assembly in its resolution 70/226 to convene the high-level United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development, in Fiji from

[12] A/CONF.210/2016/1, para. 16.

[13] Food and Agriculture Organization of the United Nations, document C 2009/REP and Corr.1-3, appendix E.

[14] General Assembly resolution 70/1.

5 to 9 June 2017; a broader effective implementation of the precautionary and ecosystem approaches; a general growth in scientific knowledge; the better sharing of information and intelligence for fisheries enforcement; and a growing desire to understand the impacts of climate change on the marine environment.

26. Many delegations regretted that, despite such progress, neither the status of fish stocks nor the economic profitability of fleets was improving. Several delegations drew attention to the findings of the First Global Integrated Marine Assessment in this regard. It was noted by some delegations that this issue affected intergenerational equity, and States and regional fisheries management organizations and arrangements needed to take collective action to further implement the recommendations of the Review Conference.

27. Some delegations expressed concern that some of the recommendations arising from the Review Conference in 2006 and in 2010 had not been fully implemented. A number of suggestions were raised to improve implementation including: undertaking performance reviews of RFMO/As on a regular basis; prioritizing the list of recommendations; improving the decision-making processes of the Review Conference; establishing transparent criteria through increased coordination and information-sharing; harmonizing monitoring frameworks; and using mechanisms of international cooperation. Some delegations noted that the differing capacities of individual States for implementing the recommendations of the Review Conference should also be considered. Several delegations called for recognition, and support for the development aspirations of developing States, in particular small island developing States, as well as the need to increase the accrual of benefits to them and to least developed countries.

28. RFMO/As were identified as crucial in the implementation of the Agreement and several delegations highlighted the need to collaborate increasingly through them to enact necessary science-based and compatible measures. One delegation emphasized that RFMO/As were the organizations bearing responsibility for the management of fisheries, as well as with respect to the impacts on marine ecosystems, including biodiversity. In this regard, some delegations expressed the view that discussions on the development of an international legally binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction should not undermine the mechanisms already in place under the Agreement.

29. The need to further strengthen the mandates of RFMO/As so as to facilitate the implementation of the Agreement was underscored by a number of delegations.

30. Many delegations highlighted measures taken nationally and directed towards the conservation and management of straddling fish stocks and highly migratory fish stocks, including through investment; establishing catch limits and moratoriums; integration of port State measures; monitoring, control and surveillance activities; implementation of the precautionary and ecosystems-based approaches to fisheries management; establishment of new marine protected areas; and improvement of legislation, such as the adoption of a national plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing.

31. The Conference then reviewed, according to the order of the items listed in the organization of work, the implementation of the recommendations adopted in 2006

and 2010, and considered proposed means of further strengthening, if necessary, the substance and methods of implementation of the Agreement.

1. Conservation and management of stocks

32. *Adoption and implementation of measures*. Several delegations expressed concern regarding the fact that the adoption of conservation and management measures and their implementation had progressed slowly and that, in some respects, a disproportionate burden had been placed on small island developing States. Concern was also expressed that despite the establishment of new measures and RFMO/As, the status of fish stocks had not improved since the Review Conference in 2006. In this regard, several delegations recalled the commitments contained in the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg Plan of Implementation)[15] of 2002 to maintain or restore stocks to levels that could produce the maximum sustainable yield by 2015 (para. 31 (a)), and under Sustainable Development Goal 14 of the 2030 Agenda.

33. A number of delegations emphasized the need to address implementation gaps. It was further suggested that opting out from conservation and management measures be eliminated.

34. Some delegations considered that more could be done through the performance review processes of RFMO/As or compliance committees to assess the adoption and implementation of measures. The joint tuna RFMO (Kobe) process was referenced as an example of coordinated action which enabled progress in the implementation of measures.

35. *Application of the precautionary and ecosystem approaches*. Several delegations highlighted the progress achieved in the implementation of the recommendations relating to the application of the precautionary and ecosystem approaches, especially to prevent significant adverse impacts on vulnerable marine ecosystems (see also paras. 47-53, 75-88 and 91-93). However, concern was expressed that a more complete application of these approaches was required, including with respect to sharks. It was noted by some delegations that provisions relating to the precautionary and ecosystem approaches had been included, or would be included, in the mandates of several RFMO/As, as well as by-catch management measures.

36. Several delegations highlighted the need for better understanding of the precautionary and ecosystem approaches and considered it necessary to move away from single species management towards a holistic form of management, which would require changes in how data were collected. They recalled that in the absence of sufficient scientific data, the application of the precautionary approach was crucial. The adoption of precautionary measures for new or exploratory fisheries, until there were sufficient data to allow assessment of their impact, in line with article 6 (6) of the Agreement, was suggested. In that regard, it was noted that an obligation to do so was already contained in the Agreement.

37. The importance of ensuring proper data collection and the transmission of data to RFMO/As, and basing management decisions on the best available science, was emphasized by several delegations. They noted with concern the lack of sufficient

[15] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

data on many shark species. One delegation suggested developing a framework for guiding management decisions to account for uncertainty and risk, so that lack of scientific advice would not be an impediment to setting reference points and applying clear rules (see also paras. 85-88).

38. Some delegations suggested that the 2030 Agenda could provide guidance on how to implement and strengthen recommendations regarding the application of the precautionary and ecosystem approaches, including the commitment to achieve the relevant target by 2020.

39. Concern was expressed by some delegations regarding the inconsistent application of the ecosystem and precautionary approaches among RFMO/As, which could lead to implementation gaps.

40. *Environmental factors affecting marine ecosystems, including adverse impacts of climate change and ocean acidification*. Many delegations highlighted the threat that the impacts of climate change and ocean acidification posed to the health and resilience of the ocean, including to the sustainability of fish stocks. Examples of harmful impacts at the domestic and regional levels, including threats to the livelihoods of local communities and domestic industries, were presented.

41. Many delegations emphasized the need to better address the impacts of climate change and ocean acidification and noted some progress by States, RFMO/As and other regional bodies in that regard.

42. Several delegations drew attention to Sustainable Development Goal 14 under the 2030 Agenda and the need to improve the resilience of marine ecosystems. They highlighted the need to factor in unpredictability, for example, in the development of marine protected areas. Reference was also made by several delegations to Sustainable Development Goal 13 on climate change and the Paris Agreement,[16] adopted by the Conference of the Parties to the United Nations Framework Convention on Climate Change at its twenty-first session, held in Paris from 30 November to 13 December 2015. Many delegations highlighted the need to enhance research and share information in order to increase understanding of climate-related changes in ecosystems, and develop options and identify best practices in response to those changes. A suggestion was made by one delegation on how to improve the collection of data in that regard: use of fishing vessels to collect oceanographic data. Another delegation proposed increasing cooperation, including sharing of information and best practices, with non-fisheries institutions.

43. Several delegations noted the need for a more adaptive approach to fisheries governance, noting that changing environmental conditions had made the location and productivity of stocks less predictable.

44. *Achievement of compatible measures*. Underlining the importance of ensuring the compatibility of measures for areas within and beyond national jurisdiction, several delegations explained that discrepancies could undermine efforts to rebuild certain straddling fish stocks and highly migratory fish stocks. Many delegations expressed their views on the respective roles of coastal States and RFMO/As in the achievement of compatible measures. A number of delegations noted that if standards in the high-seas areas were lower than those in the exclusive economic

[16] FCCC/CP/2015/10/Add.1, decision 1/CP.21.

zones of coastal States, efforts to ensure compatibility would depend on improving the processes within RFMO/As, including with respect to decision-making.

45. Many delegations noted the need to build the capacity of developing coastal States. Several delegations drew attention to the importance of exchanging information and sharing experiences, including through reporting between States and RFMO/As. A delegation provided the example of ongoing national and multilateral monitoring and surveillance of the high seas to reduce drift-net fishing.

46. The view was expressed that achieving compatibility was a two-way process, emphasizing that unilateral measures should be avoided, particularly in cases where the coastal State and the flag State were members of the same RFMO/A.

47. *Development of area-based management tools*. Several delegations considered that the development of area-based management tools, including marine protected areas, remained important, not only for the management of fisheries, but also for the protection of the ecosystem as a whole, and recalled the commitments set out in the 2030 Agenda and other international instruments, including the Convention on Biological Diversity[17] and the International Guidelines for the Management of Deep-Sea Fisheries in the High Seas of the Food and Agriculture Organization of the United Nations. Some delegations noted that progress had been achieved in that regard, including at the national and regional levels.

48. It was noted by several delegations that marine protected areas needed to be well designed, and that their impact and effectiveness should be analysed and reviewed. They pointed to the potential benefits of well-designed and dynamic marine protected areas and flexibility in that regard, taking into account ecological connectivity, including for ecosystem resilience, but cautioned that it was also necessary to ensure that fishing was not merely displaced to other areas.

49. A view was expressed by one delegation in favour of the periodic review of marine protected areas, including sunset clauses, while several other delegations preferred flexibility (as opposed to sunset clauses) to allow for adaptation to changing circumstances. One delegation considered that the threshold level of vulnerable marine ecosystem indicator species, based on comprehensive research, should guide the establishment of marine protected areas. An observer delegation highlighted the need for marine protected areas for sharks and other vulnerable species.

50. Several delegations expressed the view that marine protected areas could take different forms, including temporal closures or limited-use areas, and their creation could be combined with other measures. It was noted that marine protected areas were not necessarily no-take zones, but rather areas for ecosystem management and sustainable use based on scientific data.

51. Some delegations emphasized that the establishment of area-based management tools needed to be based on the best scientific information available and that efficient monitoring, control and surveillance was necessary to ensure the effectiveness of such tools. In that regard, it was noted that monitoring, control and surveillance of marine protected areas, including improved technology, was costly.

52. The need to reinforce the role of RFMO/As in establishing area-based management tools was highlighted by a number of delegations. In this regard, one

[17] United Nations, *Treaty Series*, vol. 1760, No. 30619.

delegation suggested that RFMO/As should consider defining marine protected areas more broadly.

53. Another delegation expressed the view that whether or not to establish high-seas marine protected areas was the prerogative of RFMO/As. One observer delegation agreed and called for RFMO/A mandates to be taken into account in the discussions on the development of an international legally binding instrument under the Convention on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction.

54. *Reduction of fishing capacity to levels commensurate with the sustainability of fish stocks*. Delegations emphasized the need to ensure that fishing capacity was commensurate with the sustainability of stocks, including in areas beyond national jurisdiction. It was also noted by several delegations that the issue of overcapacity was strongly linked to the problem of harmful fisheries subsidies. The overcapacity of fleets, in particular distant-water fishing fleets, continued to undermine the long-term sustainability of fish stocks, and despite the commitments undertaken, including in the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want",[18] and the International Plan of Action for the Management of Fishing Capacity adopted by the Food and Agriculture Organization of the United Nations, the problem had grown, as noted by several delegations.

55. Several delegations provided examples of domestic efforts to reduce capacity, including by using vessel registries, gear restrictions, time closures, individual transferrable quotas and capping licences. The need for a broader understanding of overcapacity was highlighted, including the importance of policy flexibility to allow for self-adjustment.

56. The importance of effort control was highlighted. It was noted by some delegations that capacity should not relate only to the number of vessels or tonnage, because technical advances in methods used, including fishing gear, had increased capacity for fishing independent of the tonnage of vessels. Therefore, the need to conduct capacity assessment was stressed, including the gathering and sharing of data, in a transparent manner, regarding capacity, fishing subsidies and fishing gear.

57. Several delegations expressed the view that overcapacity could be best tackled at the regional level, while observing that it was necessary to avert the transfer of capacity to other areas. RFMO/As were called upon to work on capacity management plans, including by establishing optimal catch capacity through their scientific committees.

58. Several delegations also underlined the need to balance the reduction of fishing capacity with the legitimate rights and aspirations of developing States. The need to build awareness among small-scale fishermen regarding the need to manage fishing capacity was underscored. Several delegations recognized the socioeconomic impacts linked to reduction of capacity and underscored the need to consider mitigation measures.

59. *Elimination of subsidies that contribute to illegal, unreported and unregulated fishing, overfishing and overcapacity*. Several delegations highlighted the need to eliminate fisheries subsidies that contributed to overcapacity and overfishing,

[18] General Assembly resolution 66/288, annex.

recalling the commitment contained in the 2030 Agenda in that regard (Sustainable Development Goal 14, target 14.6). They highlighted actions already taken to implement that commitment, e.g., elimination of such fisheries subsidies for large-scale or industrial activities and for fisheries that used destructive fishing gear. The representative of FAO noted that the current indicator for target 14.6 did not relate directly to subsidies.

60. Several delegations stressed the need to distinguish between different types of subsidies and highlighted the usefulness of some subsidies, including in encouraging fisheries research, strengthening management and supporting fishing communities, small-scale fishers and port facilities in developing countries.

61. Many delegations also stressed the need for greater transparency and for States to report on subsidies. Reporting to RFMO/As and licensing authorities as a condition for permission to fish was suggested by several delegations. One delegation noted how subsidies of developed States could provide their fishing vessels with an unfair advantage over vessels of developing States, which could not match those fisheries subsidies.

62. Several delegations pointed out that the World Trade Organization was the appropriate forum for negotiations on disciplines on subsidies and called for a resumption of the negotiations. A delegation noted that there was no consensus on continuing the Doha Development Round and stressed the need for more forward-looking mandates.

63. *Lost or abandoned fishing gear and discards of fishing gear*. Many delegations pointed to problems caused by lost or abandoned fishing gear, in particular ghost fishing and marine debris, including plastics and microplastics. Several delegations proposed stronger recommendations for addressing that issue in light of the commitment contained in the 2030 Agenda to prevent and significantly reduce marine pollution, including marine debris, by 2025 (Sustainable Development Goal target 14.1). They noted that the issue would also be the focus of discussions at the upcoming meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea.

64. Many delegations highlighted a wide range of economic and social approaches to dealing with the challenge of lost or abandoned fishing gear, including efforts to raise awareness and increase scientific research, campaigns for the retrieval of gear, use of biodegradable or non-entangling gear, marking schemes for identification of gear ownership, listing of fishing gear and funding mechanisms. Some delegations noted the need for a combination of innovation and regulation to deal with the problem. Some delegations also stressed the need for proper monitoring, control and enforcement tools, including observers, and for holding owners responsible for the cost of lost or abandoned fishing gear.

65. Several delegations cautioned against bans on particular types of fishing gear, such as fish aggregating devices, contending that the impact of such gear could be improved through better management, including gear registries and observer coverage. One delegation stressed the impact of large-scale drift nets as marine debris and called upon States to ban such gear in areas within and beyond national jurisdiction.

66. Several delegations welcomed the ongoing efforts at FAO to address this challenge, particularly through the marking of fishing gear. The representative of

FAO noted the outcome of an expert consultation on gear marking, which would be considered at the upcoming meeting of the Committee on Fisheries in July 2016 and could result in the development of technical guidelines or the convening of a technical consultation to develop guidelines.

67. *Data collection and sharing of information.* Several delegations maintained that ecological, economic and social data were necessary in the conservation and management of fish stocks. They noted that data and information gaps directly impacted the ability to implement science-based consideration of measures. Many delegations emphasized the need to improve the provision of timely, accurate and complete data as the basis for stock assessment and the conservation and management of straddling and highly migratory fish stocks. The view was expressed that data should include data on by-catch and discards. The significance of data collection and the sharing of information as a cross-cutting issue was also emphasized, including with regard to tackling illegal, unreported and unregulated fishing.

68. Several delegations expressed concern that the report of the Secretary-General had again, as in 2010, concluded that a lack of data prevented accurate stock assessment and emphasized the need to apply the precautionary approach in the absence of reliable or adequate data. One delegation noted that the collection of fisheries-independent data should also be promoted. Another delegation proposed that data collection and sharing of information should be considered a possible theme for a future round of informal consultations of States parties to the Agreement.

69. The need for RFMO/As to ensure compliance with data collection and reporting obligations was underscored by several delegations, as poor data and reporting impacted on the performance of some RFMO/As. They proposed that compliance committees in RFMO/As should apply a full range of incentives and penalties to encourage reporting and the provision of data. It was also suggested by several delegations that compliance with data and reporting obligations should be a condition for authorization to fish, as was the case in the International Commission for the Conservation of Atlantic Tunas (ICCAT). Some delegations stressed the importance of considering the factors that hindered States from submitting data, as opposed to imposing sanctions.

70. The need for balance between transparency and ensuring the confidentiality of some data, such as commercial and proprietary data, was emphasized by several delegations. One delegation proposed the development of standards for the provision of data by RFMO/As. A new tool for the automatic collection of electronic data on fisheries was noted in this context, namely, the Fisheries Language for Universal eXchange (FLUX). The negotiation of exemptions to the provision of data in some RFMO/As was also considered a concern. It was noted that flexibility with respect to the confidentiality of operational data had been taken into account in the development of relevant requirements in some RFMO/As and that it was now the time to implement those requirements.

71. Several delegations recognized the challenges faced by developing countries in meeting data-collection obligations and the need to provide assistance in that regard. The significance of Part VII of the Agreement and the need for cooperation and creativity in the implementation of the relevant provisions were underlined. In this context, delegations also noted the importance of the Assistance Fund established under Part VII of the Agreement.

72. The view was expressed that linking the provision of financial assistance to the provision of data as an incentive within the context of the Kobe process had improved data related to tuna fisheries significantly, allowing for better management of those stocks.

73. *FAO data arrangements and the global fisheries statistics database*. Several delegations highlighted the need for data for distinguishing fish stocks caught within and beyond areas of national jurisdiction, noting that paragraph 96 of the report of the Secretary-General underscored the difficulties of obtaining and separating such data.

74. The representative of FAO reported that its framework did not allow for the collection of data at that level of definition and that a new mandate would be needed, for example, under a resolution of the General Assembly, in which the Assembly would require States to ensure that the data distinguished fish stocks according to where they were caught, together with requisite funding and capacity-building. The representative of FAO also noted that States' confidentiality requirements limited the amount of data being released.

75. *Conservation and management of sharks*. Many delegations expressed concern over the status of shark species. Several delegations recognized the progress made in the conservation and management of sharks within the context of some RFMO/As, whether as target species or as by-catch, but stressed the need for the adoption of stronger measures on the conservation and management of sharks, in view of their biological characteristics and vulnerability. The role of area-based management tools, such as shark sanctuaries, and the implementation of harvesting strategies, as management tools for the conservation of sharks, were highlighted by several delegations.

76. The need for enhanced cooperation in view of the highly migratory nature of several shark species was stressed by a number of delegations. It was noted that measures adopted by RFMO/As should not undermine the effectiveness of more stringent measures adopted by coastal States for the conservation and management of sharks. In this context, support was also expressed for enhanced implementation of other relevant international instruments, such as the International Plan of Action for the Conservation and Management of Sharks, adopted by FAO in 1999, the Memorandum of Understanding on the Conservation of Migratory Sharks under the Convention on the Conservation of Migratory Species of Wild Animals[19] and the Convention on International Trade in Endangered Species of Wild Fauna and Flora.[20]

77. Several delegations noted the lack of reliable or adequate data on exploited shark stocks, as highlighted in the report of the Secretary-General, which made it impossible to undertake comprehensive stock assessments. The need for precaution in the absence of reliable or adequate information on shark stocks was emphasized by several States.

78. States and RFMO/As were called upon to improve scientific research and data collection for the effective management of shark fisheries, including through species-specific data collection. The need for enhanced cooperation in RFMO/As in applying science-based conservation and management measures with catch limits on all shark species, including by-catch, was also underlined.

[19] United Nations, *Treaty Series*, vol. 1651, No. 28395.
[20] Ibid., vol. 993, No. 14537.

79. Several delegations called for a wide range of measures to encourage the full utilization of sharks. In relation to existing prohibitions on shark finning, several delegations indicated that measures adopted by RFMO/As on the landing of sharks with a specific fin-to-carcass ratio were not sufficiently effective and enforceable. One delegation stated that the regulation of shark finning addressed the issue of utilization of captured sharks rather than that of conservation and management in line with the requirements of most RFMO/As and the International Plan of Action for the Conservation and Management of Sharks, and that the recommendations of the resumed Review Conference in 2010 had therefore not reflected global standards.

80. *Conservation and management measures for deep-sea fisheries.* Several delegations recalled the significant progress made in the conservation and management of bottom fisheries in areas beyond national jurisdiction, including the protection of vulnerable marine ecosystems, in particular through relevant resolutions of the General Assembly and the International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, and efforts towards their implementation by States and RFMO/As. It was noted that a range of regulatory measures had been adopted to protect vulnerable marine ecosystems, including fishing closures, designation of open and restricted fishing areas, quota regulations and effort restrictions, as well as bans on certain deep-sea species. Reference was also made in that context to the need to apply the precautionary and ecosystem approaches.

81. Several delegations recognized the need for improvement in collection of data for deep-sea fisheries and for broader cooperation by States and RFMO/As in that regard. They also highlighted the need to consider specific biological characteristics of deep-sea species, in addition to vulnerable habitats, such as corals, in assessing the impacts of such fisheries. Delegations noted in that context the opportunity presented by the upcoming two-day workshop on the review of actions taken by States and RFMO/As in response to relevant resolutions of the General Assembly.

82. One delegation noted that the measures adopted by RFMOs that amounted to closures of areas of the high seas constituted an example of effective progress and a matter of interest to the Preparatory Committee established pursuant to General Assembly resolution 69/292 of 19 June 2015 (the Preparatory Committee on Marine Biodiversity of Areas Beyond National Jurisdiction).

83. The representative of the North East Atlantic Fisheries Commission reported on the effectiveness of its measures to protect vulnerable marine ecosystems in the high seas through area closures, based on scientific assessments using new scientific methodologies for data-limited stocks, and restrictions on exploratory fishing.

84. Views were expressed that measures adopted for bottom fisheries in accordance with relevant resolutions of the General Assembly represented good progress. However, one observer delegation stressed the absence of regulations for some fisheries and the continued practice of fishing in areas where vulnerable marine ecosystems existed or were likely to exist and the need for improved data and marine protected areas, including fully protected marine reserves.

85. *Determination of reference points or provisional reference points for specific stocks.* Many delegations highlighted the need for reference points based on scientific data for specific stocks and provisional reference points when information for a fishery was poor or absent, in accordance with annex II to the Agreement. The

need to improve scientific research, data collection and information-sharing was underlined by several delegations as was the need for capacity-building.

86. Several delegations noted progress in setting reference points at the regional level, as evidenced, in particular, by the measures adopted by the Commission for the Conservation of Southern Bluefin Tuna and the Western and Central Pacific Fisheries Commission. They noted efforts to restore certain stocks to levels higher than those capable of producing the maximum sustainable yield, based on the application of annex II to the Agreement.

87. The need for greater efforts to develop target and limit reference points in some RFMO/As was stressed by some delegations. The need for inclusion of harvest control rules in fisheries management plans to ensure that reference points were not breached, and to allow stocks to recover, was emphasized. Efforts to assess progress in that area within the context of the Kobe process were noted. A suggestion was made to consider the application of annexes I and II to the Agreement as the focus of future rounds of informal consultations.

88. Several delegations expressed their understanding that, with regard to the recommendation of the Conference on the determination of reference points or provisional reference points for specific stocks, the term "the best scientific information" would include biological, economic and social information and that that information would be used to ensure that the reference points were so designed as to enable the restoration of stocks at least to levels that could produce the maximum sustainable yield.

89. *Science-policy interface*. Some delegations highlighted the importance of communication between the science and policy communities for successful resource management. One delegation noted that great strides had been made in respect of the interface between scientific experts and policymakers in RFMO/As, while underscoring shortcomings with regard to basing action on the best available science. It was also noted that there was wide variation in terms of how RFMO/As incorporated the science-policy interface.

90. The importance of maintaining a distinction between the roles of management and science processes, so as to ensure complementarity and synergy, was emphasized. Also underscored was the connection between the science-policy interface and climate change, and the need for regular review of the effectiveness of measures.

91. *Rebuilding and recovery strategies*. One delegation expressed regret at the lack of progress in the establishment of long-term rebuilding and recovery strategies at RFMO/As, whereas some other delegations noted progress on recent efforts to recover stocks at the national and international levels, while recognizing that there was still room for improvement. Several delegations were of the view that rebuilding and recovery strategies should be broader and consider more factors than time frames and probabilities of recovery, such as appropriate level of catches, capacity management measures, technical measures for fishing gear, data collection, measurement of discards and by-catch, closed areas and closed seasons, and appropriate monitoring, control and surveillance measures. They considered that rebuilding and recovery strategies should be applied also to non-target species, such as sharks.

92. *By-catch management*. Several delegations noted that the reduction of by-catch and discards was necessary to improve stocks, taking into account the relevant targets under the Sustainable Development Goals. Delegations noted the work undertaken and measures adopted in different RFMO/As concerning vulnerable marine ecosystems and birds, sharks and other species, while highlighting the need to improve implementation of by-catch management, including discards. Recalling the International Guidelines on Bycatch Management and Reduction of Discards of FAO, they encouraged their widest possible application. One observer delegation noted the need to intensify States' efforts to collect data, including on by-catch and discards.

93. Another observer delegation welcomed the ongoing work on minimizing the negative impacts of fish aggregating devices, noting that their by-catch rate could be lowered to 2 per cent, which was small compared with the rate for other methods. In this regard, that delegation considered that to alleviate pressure on stocks and their ecosystems, a comprehensive approach should be taken rather than one favouring a single fishing gear or method over others.

94. *Compliance with obligations of members or cooperating non-members of regional fisheries management organizations and arrangements*. Several delegations highlighted that the effectiveness of conservation and management measures of RFMO/As depended on the implementation of those measures by their members or cooperating non-members. A delegation noted that participation of non-members in fisheries managed by RFMO/As continued to pose a challenge.

95. Several delegations noted that the advisory opinion issued by the International Tribunal for the Law of the Sea on the request for an advisory opinion submitted by the Subregional Fisheries Commission stressed the due diligence principle and the need for States to follow up on adopted rules.

96. Several delegations underlined the role of compliance committees in identifying cases where compliance had not been achieved and, in response, imposing penalties at an appropriate level to encourage compliance, as well as in providing positive incentives for compliance. Some delegations noted the need for timely and robust operational data to assess compliance.

97. One delegation noted that States and RFMO/As had advanced in terms of their adoption and further development of compliance monitoring schemes, while also noting the need to ensure that compliance processes included adequate reporting mechanisms and information on potential violations, encompassed penalties sufficient to deter non-compliance, conducted work transparently and held all members, including flag States, accountable for their performance. An observer delegation highlighted the significant work undertaken on the establishment of a participatory process within which all contracting parties needed to report to implementation committees on any violation, and justify the reason for such a violation.

98. *Establishment of new RFMO/As*. Many delegations welcomed the progress in the establishment of new RFMO/As, in particular the North Pacific Fisheries Commission, the South Pacific Regional Fisheries Management Organization and the Southern Indian Ocean Fisheries Agreement.[21] Several delegations also noted

[21] Ibid., vol. 2835, No. 49647.

the work undertaken by Arctic Ocean coastal States towards the signing of a non-binding declaration in 2015, which included a political commitment to prevent unregulated commercial fishing in the Central Arctic Ocean. The representative of FAO indicated that it had provided assistance to coastal States of the Red Sea and Gulf of Aden concerning the establishment of an RFMO/A in that region. Some delegations noted that the recently established RFMO/As reflected best practices, including on governance arrangements, having benefited greatly from the experience acquired by States in existing RFMO/As.

99. Several delegations called for existing RFMO/As to consider increasing their species and geographical coverage so as to prevent any coverage gaps.

2. Mechanisms for international cooperation and non-members

100. *Strengthening mandates and measures in RFMO/As.* A delegation highlighted the importance of cooperation among RFMO/As in the exchange of information by means of memorandums of understanding, and called for greater cooperation by States and FAO in that regard. That the effectiveness of RFMO/As depended on the effectiveness of members in implementing conservation and management measures at the national level was highlighted by another delegation. The view was expressed that decision-making processes in RFMO/As needed to be reviewed so as to ensure that there was no vetoing or opting out of conservation measures.

101. *Performance reviews and best practice guidelines.* Many delegations highlighted the progress made by RFMO/As and their members in conducting performance reviews, with some RFMO/As having conducted their second review. There was a call from several delegations for improvement in the process, including in the content and regularity of reviews, and for ensuring the timely implementation of recommendations arising from the reviews. They stated that performance reviews should be adaptive, independent and continuous. The need for mechanisms in RFMO/As for follow-up on recommendations was also underscored. One delegation called for the application of important elements of the recommendations of the Review Conferences as common standards, thereby enhancing the relevance of the Agreement to RFMO/As. Another delegation, noting that performance reviews tended to cover all aspects of the work of RFMO/As, suggested a change in the scope of such reviews to enable them to tackle specific aspects of the work of RFMO/As in a step-by-step manner.

102. One delegation emphasized that the decision on whether or not to implement recommendations emanating from performance reviews lay with the governing bodies of RFMO/As. It noted that in cases where recommendations were not acted upon, transparency and provision of information were important as a means of demonstrating appropriate consideration by management. The view was expressed by an observer delegation that civil society should be allowed to participate fully in the reviews.

103. Several delegations noted limited progress in the elaboration of best practice guidelines for performance assessment. One delegation suggested that such an elaboration should be undertaken, for example, through FAO. Another delegation considered that the Review Conference could establish minimum benchmark targets for various issues, to be addressed by regional fisheries management organizations and arrangements over an implementation period and on which those organizations and arrangements would provide periodical reports.

104. Several delegations encouraged RFMO/As with competence in management of straddling fish stocks to exchange information on their performance reviews and the implementation of recommendations emanating from such reviews, including, possibly, through processes similar to the Kobe process. In their view, however, consideration of the purpose of joint RFMO meetings needed to take into account the differences between the management regimes for straddling fish stocks and those for highly migratory stocks.

105. *Strengthening and enhancing cooperation among RFMO/As*. Several delegations called for greater cooperation and coordination between RFMO/As, including through the sharing of the lists of authorized vessels and vessels engaged in illegal, unreported and unregulated fishing activities, as well as between RFMO/As and the frameworks of Regional Seas Conventions and Action Plans. Support was also expressed for the harmonization of measures across RFMO/As.

106. It was noted that cooperation between RFMO/As was important in the development of best practices on fisheries management and their effective implementation. Several delegations highlighted the role played by the Kobe process in enhancing cooperation among tuna RFMOs. They also encouraged members and cooperating non-members to reinvigorate and fully participate in the Kobe process.

107. Several delegations called upon RFMO/As to use diverse means of cooperation, such as joint meetings, joint working groups and memorandums of understanding, while ensuring that there was no significant increase in administrative or financial burdens imposed on member States. In that regard, one delegation encouraged RFMO/As to enter into formal or informal arrangements on various issues, including on by-catch of sea turtles and sharks.

108. *Participation in RFMO/As*. It was noted that the effective management of straddling fish stocks and highly migratory fish stocks required the consistent application of measures by all those participating in the fishery concerned. In that regard, one delegation encouraged non-members to cooperate and, where appropriate, to join RFMO/As so as to ensure effective stock management.

109. Several delegations underlined that all States with a real interest in the fishery concerned should have a realistic expectation of enjoying the right to participate in an RFMO/A, while noting that such applicants should demonstrate good faith and their willingness and ability to participate constructively and comply with all relevant conservation and management measures. They highlighted the need for RFMO/As to adopt more transparent procedures, appropriate decision-making processes and allocation practices in order to increase both their credibility and their attractiveness to non-members. The need to introduce mechanisms through which relevant non-member States, such as market and port States, could be invited to participate in RFMO/A meetings was also highlighted. In that regard, several delegations underlined the importance of enhancing the capacity of developing States, with a view to facilitating their participation.

110. *Decision-making rules and procedures in RFMO/As*. Several delegations noted recent improvements, especially within newly established RFMO/As, in decision-making rules and procedures, while highlighting the need for continuous adaptation. They stressed that although the adoption of conservation and management measures by consensus was a desirable practice, it sometimes led, when it was the only rule,

to blockage of measures or adoption of weak measures. They therefore suggested that decision-making rules should allow for voting when necessary, and highlighted the practice of the South Pacific Regional Fisheries Management Organization in that regard.

111. A delegation highlighted that transparency in rules and decision-making should apply not only to governing bodies but also to their subsidiary bodies.

112. *Effective control by flag States as members of RFMO/As*. Several delegations noted some progress by flag States in exercising effective control over vessels flying their flag, although it was also noted that ineffective flag State enforcement remained a major challenge for high-seas fisheries and required further efforts. Concern was expressed by a number of delegations that the number of vessels engaging in illegal, unreported and unregulated fishing was growing in some regions and that further action was needed by flag States to ensure that vessels did not engage in such activity and complied with, and did not undermine, conservation and management measures adopted by RFMO/As. The view was expressed that licensing of vessels should be tied to implementation of all flag State obligations.

113. Several delegations drew attention to the advisory opinion of the International Tribunal for the Law of the Sea on the request for an advisory opinion submitted by the Subregional Fisheries Commission, especially the concept of due diligence advanced therein, whereby States have to take all necessary measures to ensure compliance with conservation and management measures and to prevent illegal, unreported and unregulated fishing by vessels flying their flag.

114. The adoption of the Voluntary Guidelines for Flag State Performance[22] was welcomed, and the need for their implementation was highlighted by many delegations. Some delegations called for self-assessments to be conducted and one delegation noted that the Guidelines could also be used by RFMO/As to assess compliance by member States. Several delegations noted that flag States needed to make every effort to control their vessels so as to ensure that they were not engaged in illegal, unreported and unregulated fishing, even if the relevant RFMO/As had not adopted rules in that regard.

3. Monitoring, control and surveillance, compliance and enforcement

115. *Strengthening effective control over vessels and assessment of flag State performance*. Many delegations encouraged the utilization by States and RFMO/As of a wide range of tools and new and emerging technologies to strengthen effective control over fishing vessels including: vessel monitoring systems; vessel monitoring centres; electronic recording; observer coverage, including "port to port" requirements, to cover the full range of activities; boarding and inspections schemes; data provision requirements; vessel lists; compliance indexes; and the establishment of national registers and a comprehensive global record of fishing vessels incorporating information on beneficial ownership, subject to confidentiality requirements. In that regard, several delegations noted the need for improved cooperation and coordination and sharing of information and best practices, bearing in mind the need for confidentiality.

[22] Food and Agriculture Organization of the United Nations, document COFI/2014/4.2/Rev.1, appendix II.

116. Several delegations supported the development or amendment of national rules and regulations to also ensure that action, including penalties, was taken against beneficial owners and operators of vessels engaging in illegal, unreported and unregulated fishing. Concern was also expressed by several delegations regarding employment conditions on board fishing vessels (including child labour) and, in that regard, the need to implement relevant International Labour Organization (ILO) conventions and other international commitments, including Sustainable Development Goal 8 under the 2030 Agenda, was stressed.

117. The further development of regional and global guidelines on fisheries-related penalties to facilitate an evaluation by flag States of their penalty systems, so as to ensure that they were effective in securing compliance and deterring violations, was called for by several delegations.

118. Several delegations highlighted the urgency of addressing the challenge posed by the increasing number of vessels without nationality engaged in illegal, unreported and unregulated fishing on the high seas. It was noted that such vessels were not subject to any form of control, thereby threatening the integrity of the management measures adopted by RFMO/As. It was recommended that, to address this rising problem, States develop or amend national rules and regulations to ensure that actions could be taken in areas beyond national jurisdiction.

119. Several delegations noted that improved cooperation was necessary in examining, defining and clarifying the role of the "genuine link" in relation to the duty of flag States to exercise effective control over fishing vessels flying their flag, including by developing criteria that would establish what constituted a "genuine link".

120. Some delegations noted the steps they had taken to implement the Agreement and the recommendations of the Review Conference, including the development of national laws and compliance infrastructure; requirements for vessel monitoring systems and other technologies (e.g., cameras) to be installed on artisanal fishing fleets; monitoring, control and surveillance programmes; catch documentation mechanisms; observers programmes, including on trans-shipment vessels; and the strengthening of law enforcement mechanisms directed against illegal, unreported and unregulated activities, including through work focused on the relationship between such activities and transnational organized crime.

121. The representative of FAO noted that the Voluntary Guidelines for Flag State Performance did not refer to the discharge by flag States of their responsibilities under international law, but rather to the undertaking of voluntary assessments of their performance.

122. *Participation in the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the adoption of port State measures*. Many delegations highlighted the scourge represented by the continuing practice of illegal, unreported and unregulated fishing which undermined States' efforts to sustainably manage fisheries. Many delegations welcomed the forthcoming entry into force of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of FAO and reiterated the need for States that had not yet done so to consider becoming parties to the Agreement. The need to focus on the full and effective implementation of the Port State Measures Agreement as soon as it entered into force was highlighted by

several delegations. They also maintained that, in the interim, it was necessary to adopt and apply port State measures consistent with the Port State Measures Agreement and with article 23 of the Agreement. Furthermore, RFMO/As also needed to adopt measures aimed at implementing the requirements of the Port State Measures Agreement, in line with regional characteristics. One delegation stressed that as the Port State Measures Agreement provided minimum standards, stricter measures could be adopted by States and RFMOs, in accordance with international law.

123. Many delegations recommended that programmes of assistance and appropriate funding mechanisms be established, in accordance with part VI, article 21, of the Port State Measures Agreement, to assist developing States in its implementation.

124. Some delegations noted that the Port State Measures Agreement would be a significant tool in the fight against illegal, unreported and unregulated fishing, one highly complementary to the Agreement. In this regard, the view was expressed that a global network of RFMO/As, in conjunction with wide implementation of the Port State Measures Agreement, would exert a serious impact on illegal, unreported and unregulated fishing. One delegation noted that an efficient port State control system in the North Atlantic, including the blacklisting of vessels, had already been in place for many years and had led to the almost complete elimination of such fishing in that area.

125. The representative of FAO informed the Conference of its awareness-raising programme in relation to the Port State Measures Agreement and of a five-year capacity-building programme under development to facilitate implementation. FAO had also created a working group for the establishment of a funding mechanism for implementation.

126. *Control over fishing activities of nationals*. Many delegations reiterated the importance of implementing past recommendations that required States to exercise control over the fishing activities of their nationals and to strengthen domestic and other mechanisms for identifying and deterring nationals and beneficial owners from engaging in illegal, unreported and unregulated fishing activities, including from the perspective of addressing the problem of vessels without nationality.

127. Several delegations recommended that further action be taken so that activities of nationals did not undermine the effectiveness of conservation and management measures adopted by RFMO/As and so that proper penalties were imposed, depriving nationals, including beneficial owners, of the benefits of such activities.

128. A number of delegations shared their experience in developing legislation and procedures that addressed the identification and deterrence of nationals engaged in illicit, unreported and unregulated fishing on the high seas, as well as beneficial owners and all other relevant actors. The challenges in implementing such legislation were highlighted, as was the need to exchange information. Several delegations welcomed the work of the International Criminal Police Organization (INTERPOL) in this area. One delegation also recommended that cooperation among States and with RFMO/As be enhanced to ensure that States were made aware of illegal, unreported and unregulated activities undertaken by their nationals.

129. *Strengthening compliance, cooperation and enforcement schemes in RFMO/As*. Delegations highlighted the progress made in the strengthening of compliance and enforcement schemes in RFMO/As, including in eliminating or

greatly reducing illegal, unreported and unregulated fishing and flags of convenience. States noted that despite such progress, lack of compliance was a persistent problem and that there was a need to strengthen compliance generally. Some delegations highlighted the role of capacity-building in that regard.

130. Some delegations underlined that cooperation on monitoring, control and surveillance between flag and port States needed to be strengthened at both national and regional levels. The role of market States was also noted.

131. Several delegations noted the opportunity for RFMO/As to improve monitoring, control and surveillance schemes, including through a wide utilization of tools and modern technologies, the widespread use of vessel monitoring systems, electronic reporting systems, observers on board and observer reporting programmes, catch documentation schemes, and boarding and inspection schemes.

132. Some delegations noted that the implementation of boarding and inspection schemes was a sensitive issue, given the asymmetry in the inspection of vessels between developing and developed States. Joint inspections were raised as a possible solution to such asymmetry. Several delegations highlighted the need to advance capacity-building in addressing the challenges faced by developing States in implementing current monitoring, control and surveillance schemes.

133. One delegation noted that the monitoring, control and surveillance schemes of RFMO/As should take into account the laws and regulations of the coastal State when assessing whether alleged illegal, unreported and unregulated fishing had taken place in areas under that State's jurisdiction.

134. Several delegations reported that while cooperation was successful within RFMO/As and between States, cooperation between RFMO/As should be improved through not only the sharing of information, such as fishing vessel lists, but also the promotion of a global record of fishing vessels and unique vessel identifiers (see also paras. 156-157). Continued cooperation among flag, port, coastal and market States was considered fundamental in that regard.

135. The representative of the International Commission for the Conservation of Atlantic Tunas highlighted the need to strengthen the application of relevant measures within RFMO/As and enhance cooperation among them, particularly with respect to tuna fishing. Examples of existing cooperation activities were the sharing of lists of vessels engaged in illegal, unreported and unregulated fishing and lists of authorized vessels and the use of observer programmes.

136. The representative of the North East Atlantic Fisheries Commission shared its successful experience in the application of compliance and enforcement measures, which had led to the elimination of illegal, unreported and unregulated vessels engaged in illegal, unreported and unregulated fishing that had been operating within its area for the past 10 years. The organization had therefore shifted its focus to the compliance of its members with conservation and management measures, through an extensive monitoring, control and surveillance system, including the recent introduction of electronic reporting systems.

137. Some delegations recommended the development of best practices for improving compliance through transparent review processes within RFMO/As and data analysis. It was noted that in cases of persistent non-compliance, the recommendation of 2010 could be strengthened by incorporating such best practices.

138. *Alternative mechanisms for compliance and enforcement in RFMO/As*. Some delegations expressed support for alternative mechanisms for achieving compliance and enforcement in RFMO/As and noted that monitoring, control and surveillance regimes had been advanced through the use of emergent technologies. One delegation indicated that it was currently testing an electronic monitoring system and had introduced an electronic logbook system.

139. Several delegations recommended greater observer coverage, especially for longliners, in particular to advance regional observer schemes.

140. *Regulation of trans-shipment, supply and refuelling vessels*. Several delegations reported on progress made in implementing trans-shipment measures, including the development of new rules and regulations by RFMO/As. Despite such progress, delegations called for a strengthening of the previous recommendations, given that trans-shipment, when not monitored and regulated, could undermine fisheries management.

141. Several delegations noted that the continuous study of trans-shipment trends would allow for a more knowledge-based approach to its regulation.

142. Several delegations noted that, in line with measures adopted to fight illegal, unreported and unregulated fishing, a prohibition measure addressing the supply of fuel to vessels engaged in such fishing could be adopted by port States.

143. Some delegations considered that RFMO/As should develop strict trans-shipment requirements, including prior reporting of trans-shipment activities, and aim for 100 per cent observer coverage. Some delegations recommended sharing of information through a carrier vessel registry. One delegation proposed a total prohibition of trans-shipment activities on the high seas.

144. One observer delegation highlighted the negative labour conditions associated with trans-shipment activities, which included workers' remaining at sea for unreasonably long periods.

145. *Strengthening fisheries access agreements*. Delegations noted that the 2006 recommendation in this area should be strengthened through inclusion of a reference to the Voluntary Guidelines for Flag State Performance.

146. It was also noted by several delegations that governance could be improved through limiting access agreements to surplus resources that were established scientifically, and through increased transparency in making such agreements publicly available. Several delegations called for the strengthening of fisheries access agreements through inclusion of human rights clauses in those agreements, as well as requirements for improving governance. They also proposed the inclusion of the provision of technical support to developing States.

147. *Market-related measures*. Delegations emphasized the importance of market-related measures in combating illegal, unreported and unregulated fishing, including for ensuring the sustainability of fisheries and for implementing the Agreement, and welcomed progress made by some States and RFMO/As in that regard. At the same time, it was pointed out that the main responsibility for combating illegal, unreported and unregulated fishing lay with flag States and recommended that law enforcement-related cooperation should be strengthened. Noting difficulties inherent in ensuring traceability, owing, inter alia, to the mixing of catches from

illegal, unreported and unregulated fishing with other catches, one delegation called for more stringent measures in current mechanisms.

148. It was recommended by several delegations that measures be enhanced to enable importing States to identify fish or fishery products caught in such a manner as to undermine conservation and management measures. In that regard, the ongoing work of FAO on the development of best-practice guidelines for catch documentation schemes and traceability was welcomed.

149. The effectiveness of catch documentation schemes in preventing illegal fisheries products from entering domestic markets was highlighted by one delegation. That delegation encouraged the expansion of such schemes to include a broader range of fish species regulated by RFMOs, while noting that catch documentation schemes were costly and should therefore be applied in a flexible manner to some types of fisheries.

150. Another delegation noted the need for consistency between measures adopted by States and those adopted by RFMOs. Some delegations suggested that market-related measures should be adopted at the multilateral level, including at regional and global levels, in light of the fact that unilateral measures could result in the erection of unwanted barriers to trade. In that regard, the need to ensure conformity with international law, including mea ures under the World Trade Organization, was emphasized by some delegations. Some other delegations stressed the need to not only design but also implement catch documentation schemes, in a transparent, consistent and non-discriminatory manner. The need to take into account the fact that markets were asymmetrical was also highlighted.

151. Some delegations called for more market-driven incentives, such as price premiums for fish caught in a sustainable manner. Several delegations expressed concern regarding the question who would determine whether fish had been caught sustainably or not. One delegation, pointing to the role of consumers, suggested developing initiatives that would take their role into account.

152. The need for capacity-building and technical support for developing countries in implementing catch documentation schemes was underlined.

153. *International Monitoring, Control and Surveillance Network for Fisheries-related Activities*. Several delegations mentioned their participation in, and support for, the International Monitoring, Control and Surveillance Network for Fisheries-related Activities and reiterated calls for joining and strengthening the Network, including by increasing its funding. The Network's collaborative work with INTERPOL, particularly in small island developing States, was highlighted as a positive development. One delegation recommended continued support for small island developing States through Network activities. The representative of FAO stated that it collaborated closely, and had sponsored a 2016 workshop, with the Network.

154. It was noted that an international monitoring, control and surveillance network would, besides assisting in the combating of illegal, unreported and unregulated fishing, enhance traceability of catches and ensure compliance with other market-related measures.

155. *Compliance Agreement and Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels*. Delegations encouraged States whose vessels

fish on the high seas to become parties to the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (the Compliance Agreement).[23]

156. The representative of FAO noted that the high-seas vessels authorization record managed by FAO, pursuant to the Compliance Agreement, the Consolidated List of Authorized Vessels and the List of Vessels Presumed to Have Carried out Illegal, Unreported and Unregulated Fishing Activities, and the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record) were related but separate initiatives. The representative of FAO also provided an update on progress made in developing the Global Record and announced that the pilot version of the Global Record would be presented at the forthcoming session of the Committee on Fisheries.

157. Several delegations expressed support for the Global Record as a means of combating illegal, unreported and unregulated fishing. Some delegations highlighted the benefits of a unique vessel identifier (UVI), such as the International Maritime Organization (IMO) Ship Identification Number Scheme for fishing vessels of 100 gross tonnage and above. In that regard, several delegations informed the Conference of initiatives to introduce unique vessel identifiers in regional contexts. The representative of the International Commission for the Conservation of Atlantic Tunas highlighted difficulties associated with implementing unique vessel identifier systems, including lack of consensus on their adoption in some tuna RFMOs. It was noted that tuna RFMOs had set up a programme related to the Consolidated List of Authorized Vessels, which was published online, including IMO numbers when available.

4. Developing States and non-parties

158. *Promotion of wider participation in the Agreement*. Several delegations welcomed the latest parties to the Agreement and stressed that increasing participation remained a fundamental objective, while noting that many members of RFMO/As were not parties to the Agreement. The view was expressed that it was important for parties to the Convention to become parties to the Agreement. It was noted by several delegations that broader participation would contribute to increased implementation of the Agreement and the achievement of its objectives and to a strengthening of cooperation.

159. Several delegations suggested that it would be useful to examine the reasons why States had not become parties to the Agreement, which included lack of awareness regarding the Agreement, the need for capacity-building for implementation, and the provisions of the Agreement on compliance and enforcement. Attention was also drawn to the difficulties experienced by some States with respect to the compatibility provisions of the Agreement and the absence of RFMO/As in some regions. Several delegations proposed that examining the reasons given by States for their non-participation in the Agreement could serve as the topic at a future round of informal consultations.

160. The need to continue and strengthen dialogue between States parties and non-parties, on a bilateral, a regional and a global basis, was emphasized by several delegations. One delegation suggested that the 43 members of RFMO/As that were

[23] United Nations, *Treaty Series*, vol. 2221, No. 39486.

not parties to the Agreement should be approached on a priority basis. Another delegation maintained that although there was a need to promote the benefits of the Agreement to non-parties, the focus should be on assisting the parties to the Agreement, which experienced difficulties in complying with it.

161. Noting that the challenges presented by the Agreement were varied, one delegation suggested that a special meeting of developing States parties to the Agreement be convened and possibly funded through the Assistance Fund established under Part VII of the Agreement, so that developing States could share concerns, experiences and best practices and identify implementation-related needs.

162. The representative of FAO indicated that it had promoted the benefits of the Agreement and other related agreements in all of its capacity-building work.

163. *Enhancement of participation of developing States in RFMOs*. Several delegations called for greater participation of developing States in RFMO/As and noted that they should be open to all States with an interest in the fishery covered by the organization. One delegation drew attention to a programme of assistance under the Global Environment Facility from which it had benefited in building its capacity to participate in the development of an RFMO and in its work.

164. The need to recognize the right of developing States to develop their fisheries was underscored. One delegation indicated that one of the problems faced in its region were the costs incurred through becoming an RFMO member, including those related to travel to meetings. Another delegation drew attention to the need to recognize the special requirements of developing countries in some RFMOs, including the availability of assistance funds, and informed the Conference of its national-level efforts to support developing States through the establishment of a world fisheries university.

165. *Cooperation with and assistance to developing States, capacity-building needs of developing States and mainstreaming of capacity-building efforts with other international development strategies*. A number of delegations expressed appreciation for the assistance they had received, through RFMO/As and other regional organizations and on a bilateral level from other States, in addressing, in particular, difficulties encountered in carrying out surveillance and in undertaking the necessary scientific assessments and analysis. One delegation underlined the need to also support legal, institutional and technical capacity and to tailor assistance to the specific needs of States. It was also necessary, according to another delegation, to acknowledge the fact that capacity needs had evolved since 2010. One delegation noted that while enhancing the capacity to undertake monitoring, control and surveillance was important, developing the capacity of developing States to exploit their resources was equally important. Another delegation stressed that the revenues that could be derived by a developing State from its fisheries would be more sustainable than external assistance.

166. Several delegations recalled that paragraph 58 (l) of the SIDS Accelerated Modalities of Action (SAMOA) Pathway (Samoa Pathway)[24] as well as the 2030 Agenda, touched on the capacity needs of small island developing States.

167. *Capacity-building mechanisms and programmes, including the Assistance Fund established under Part VII of the Agreement*. The importance of the

[24] General Assembly resolution 69/15, annex.

participation of developing countries under the Agreement and the role of the Assistance Fund established under Part VII of the Agreement in that regard was emphasized, and delegations expressed their appreciation to the States that had made contributions to the Fund.

168. The representative of FAO recalled its proposals regarding the Assistance Fund established under Part VII of the Agreement (see para. 19) and indicated that it was publicizing the Fund as widely as possible and had provided information on the Fund through its regional offices and through RFMO/As.

169. The Director of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat reported that the Division and FAO had circulated a joint letter seeking contributions to the Fund. The Division was also providing information on the Fund at various meetings, as well as on its website. The Director added that additional funds would be required to enable the usage of the Fund for purposes other than travel.

170. A number of delegations agreed that the Fund should also be used for other purposes. It was noted that Part VII of the Agreement also called for concrete measures to assist developing States in actively participating in high-seas fisheries. The need to raise awareness of the Fund's other possible uses was highlighted.

171. Some delegations encouraged States that could contribute to the Fund to do so. Support was expressed by one delegation for the proposal by FAO (see para. 19) that contributions could be made to the Assistance Fund for specific projects developed pursuant to its terms of reference so as to allow States that could not currently contribute to the Fund to do so, as long as this did not undermine possible participation in meetings. Another delegation proposed amending the terms of reference of the Fund to enable more States to contribute (see para. 20).

172. The representative of the International Commission for the Conservation of Atlantic Tunas expressed the view that there was a lack of communication regarding the Fund, noting that the Commission had received reports at meetings that the Fund had been depleted. Clear-cut procedures and the provision of information to RFMOs when their members received assistance from the Fund were called for. The representative stated that the Commission had established its own fund to allow States to participate in meetings and workshops.

173. Another delegation noted that additional details on capacity-building needs and a report on the use of funds by RFMOs would enhance States' ability to assist.

174. The Director of the Division reported that the compilation of available sources of assistance had been updated in 2009 pursuant to a request of the General Assembly and remained available on the Division's website. While the Division was prepared to update the compilation, it would need to be requested by the Assembly to do so.

175. *Small-scale and artisanal fishers and women fish workers, as well as indigenous peoples in developing States*. Several delegations called for encouraging States to implement the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication.

B. Consideration of additional issues within the context of the presentation of the report of the twelfth round of informal consultations of States parties to the Agreement

176. *Labour conditions*. Expressing concerns over human rights abuses and human trafficking linked to fishing, several delegations highlighted the importance of addressing labour conditions in the fishing industry. One delegation noted the link between poor labour conditions and illegal, unreported and unregulated fishing. Another delegation expressed its satisfaction with the increased attention given to the need for decent working conditions for fishers. Several delegations recalled that the issue was one of flag State responsibility and urged all States to strengthen their work in this area. One delegation stated that it had national rules for identifying persons of interest in situations of labour conditions-related abuses.

177. Some delegations questioned whether the Conference was the appropriate forum within which to deal with labour conditions, given that its task was to focus on assessing the implementation of the Agreement and in light of the work already being carried out by the International Labour Organization (ILO) in that area. However, several other delegations noted that within the context of sustainability, all relevant issues needed to be dealt with jointly.

178. The representative of FAO indicated that it was collaborating with IMO and ILO on addressing that issue and had participated in the development of the ILO guidelines on flag State inspection of working and living conditions on board fishing vessels, as well as the Work in Fishing Convention, 2007 (No. 188). The representative of FAO also noted that port inspections could provide an opportunity to check on the conditions of workers on board vessels.

179. *Avoidance of the transfer of a disproportionate burden of conservation action to developing States*. Several delegations stressed the need to ensure that a disproportionate burden did not fall on developing countries, particularly small island developing States, when adopting conservation and management measures. One delegation observed that disproportionality represented an implementation burden and a barrier confronted by developing coastal States that aspired to developing their fisheries.

180. Many delegations recognized the need to define "disproportionate burden": several proposed that a quantitative definition be established, while several others supported the formulation of a qualitative one. One delegation supported both a quantitative and a qualitative definition. Another delegation noted that the issue of disproportionate burden was also connected to climate change. The same delegation proposed the utilization of rights-based, zone-based management schemes to deal with the issue.

181. Several delegations indicated that first steps had been taken in the Western and Central Pacific on the implementation of article 24 (2) (c) of the Agreement, which provided a basic mechanism to help facilitate prevention of a transfer, through management measures, of a disproportionate burden of conservation action onto developing countries. It was noted that, within the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, contracting parties had agreed on a checklist[25] against which

[25] Conservation and management measure CMM 2013-06 of 6 December 2013.

proposed conservation and management measures for consideration by the Commission must be assessed, so that the Commission could consider the potential risk of imposing a disproportionate burden on the small island developing States and territories of the region. While acknowledging the importance of this measure, one delegation noted that it did not provide a definition of disproportionate burden. That delegation also noted that the concept of disproportionate burden was often used to hamper conservation measures. Several delegations highlighted the fact that parties to the Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Interest (1982) had voluntarily taken on a disproportionate burden in many cases, including by implementing measures designed to manage the impact of purse-seine fisheries on bigeye tuna, as a response to the inability of the full Commission membership to agree on effective measures for protecting the stock.

182. One delegation cited the lack of proportionally distributed conservation burdens in RFMO/As as a reason why some developing States were prevented from participating in RFMO/As. That delegation proposed the establishment of a fair mechanism for catch allocation in RFMO/As, instead of the use of historical catches in setting catch quotas, which it considered favoured developed States with advanced fishing fleets and prevented developing States from developing their own, in violation of article 25 of the Agreement. Another delegation maintained that illegal, unreported and unregulated fishing within the area of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean[26] imposed one type of disproportionate burden and that eliminating such fishing was therefore a means of tackling the issue. It was therefore proposed to focus on implementation of the target, under Sustainable Development Goal 14, of reducing illegal, unreported and unregulated fishing.

XII. Adoption of the final report of the resumed Review Conference

183. At the last plenary meeting, on 27 May 2016, the President submitted to the Conference a document containing the draft outcome of the resumed Review Conference as negotiated and agreed to by the Drafting Committee. One delegation expressed concern that the recommendation contained in paragraph A.2 (c) would weaken the strict obligation contained in the Agreement by transforming it into a mere recommendation (see para. 36). The Conference then adopted by consensus the outcome of the resumed Review Conference, as amended (see the annex to the present report).

184. It was agreed that the outcome of the resumed Review Conference would be incorporated in the final report, which would also include a draft record of deliberations prepared by the President with the assistance of the Secretariat. The draft report would be made available on the Division's website with a view to enabling participants to provide suggestions and comments. The President, in cooperation with the Bureau, would then review all suggestions and comments with a view to incorporating them in the final report.

[26] United Nations, *Treaty Series*, vol. 2275, No. 40532.

XIII. Suspension of the Conference

185. The Conference agreed to continue the informal consultations of States parties and to keep the Agreement under review through the resumption of the Review Conference at a date no earlier than 2020, to be agreed on at a future round of informal consultations.

186. The Conference also agreed that future rounds of informal consultations should focus on specific issues. While it was noted that several issues had been highlighted during the meeting, a preference was expressed for keeping the choice of issues open at the present stage.

XIV. Other matters

187. The President thanked delegations for their diligence and hard work. He also expressed his deep appreciation to the Secretariat.

188. The President declared the Conference suspended.

Annex

Outcome of the resumed Review Conference

New York, 27 May 2016

Preamble

1. The resumed Review Conference in 2016 reaffirmed that the United Nations Convention on the Law of the Sea (the Convention) and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement) provide the legal framework for conservation and management of straddling fish stocks and highly migratory fish stocks, taking due account of other relevant international instruments. The Conference emphasized the need to ensure the full and effective implementation of the provisions of the Convention and the Agreement for the conservation and management of straddling fish stocks and highly migratory fish stocks.

2. The resumed Review Conference recalled that all provisions of the Agreement shall be interpreted and applied in the context of, and in a manner consistent with, the Convention. Regional fisheries management organizations and arrangements were recognized as the primary mechanism for international cooperation in conserving and managing straddling fish stocks and highly migratory fish stocks.

3. The resumed Review Conference reaffirmed and consolidated the recommendations adopted in 2006 and in 2010 and urged the full and effective implementation of the following recommendations.

4. The resumed Review Conference took note of important developments that had occurred since 2010 which were relevant to its work, highlighted in the report of the Secretary-General to the resumed Review Conference, the annual resolutions of the General Assembly on sustainable fisheries and by participants at the resumed Review Conference. In this regard, it welcomed the significant progress that had been made in the implementation of several of the recommendations of the Review Conference in 2006 and 2010, while expressing concern at the lack of progress in other areas.

5. The resumed Review Conference also expressed concern that, according to the report of the Secretary-General to the resumed Review Conference, the overall status of highly migratory fish stocks and straddling fish stocks had not improved since 2006 and 2010. The status of a significant number of stocks had deteriorated even as it had improved for a smaller number of stocks.

6. The resumed Review Conference reaffirmed the importance of meeting the Sustainable Development Goals and targets set out in the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, held from 25 to 27 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development" (2030 Agenda for Sustainable Development) relevant to sustainable fisheries. The resumed Review Conference also reaffirmed the commitment to conserve and sustainably use the oceans, seas and marine resources for sustainable development, as reflected in Goal 14 under the 2030 Agenda, and

noted, in particular, the interrelationship between achieving some of the targets listed therein and the effective implementation of the Agreement and the recommendations of the Review Conference. In this regard, it was noted that the full and effective implementation of the Agreement could contribute substantially to the achievement of the commitments undertaken in the 2030 Agenda for Sustainable Development.

7. The resumed Review Conference reaffirmed the importance of the Paris Agreement, the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want", and the SIDS Accelerated Modalities of Action (SAMOA) Pathway (Samoa Pathway) and noted the adoption of General Assembly resolutions relevant to its work, including the annual resolutions of the Assembly on oceans and the law of the sea and sustainable fisheries, resolution 69/292 of 19 June 2015 on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction and resolution 70/226 of 22 December 2015 on the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

8. The resumed Review Conference noted with concern that the First Global Integrated Marine Assessment had highlighted that the sustainability and productivity of global capture fisheries continued to suffer the impacts of overfishing and, in some cases, poor management, as the demand for fish and fish products continued to rise, in particular in the light of their important contribution to food security and nutrition. It noted moreover that fisheries were increasingly being affected by ecosystem degradation and biodiversity loss resulting from a combination of stressors, including climate change, ocean acidification, pollution and destructive fishing practices.

9. The resumed Review Conference welcomed the forthcoming entry into force of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and the adoption by the Food and Agriculture Organization of the United Nations (FAO) of the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication and the Voluntary Guidelines for Flag State Performance, recognizing the importance of these instruments with regard to the implementation of the Agreement.

10. The resumed Review Conference acknowledged the vital contribution of FAO towards the implementation of some of the recommendations of the Review Conference over the past decade.

11. The resumed Review Conference noted that many important commitments undertaken with regard to the conservation and management of fish stocks had not yet been met and remained valid, including commitments under the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg Plan of Implementation) and those set out in the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want", in relation to achieving sustainable fisheries, especially in respect of restoring depleted stocks at least to levels that can produce maximum sustainable yield on an urgent basis and, where possible, not later than 2015.

12. The resumed Review Conference, concerned that many straddling fish stocks and highly migratory fish stocks continue to be overexploited, determined that implementation of the Agreement should be further strengthened by recommendations that build on the 2006 and 2010 outcomes and, in some cases, address new issues relevant to strengthening the substance of and methods for implementing the provisions of the Agreement.

13. As a result, the resumed Review Conference recommended that States and regional economic integration organizations, individually and collectively through regional fisheries management organizations and arrangements:

A. Conservation and management of stocks

1. Adoption and implementation of measures

Commit themselves on an urgent basis to improving, through adoption and implementation of effective conservation and management measures, the current status of straddling fish stocks and highly migratory fish stocks, and, recalling target 14.4 under Goal 14 of the 2030 Agenda for Sustainable Development, by 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics.

2. Application of the precautionary and ecosystem approaches

(a) Apply the precautionary and ecosystem approaches to fisheries management with a view to achieving the commitment to sustainably manage and protect marine and coastal ecosystems so as to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans by 2020.

(b) Ensure the consistent application of the precautionary and ecosystem approaches among regional fisheries management organizations and arrangements, with a view to avoiding implementation gaps, including through enhanced exchange of information and the identification of best practices.

(c) Adopt appropriate conservation and management measures for new or exploratory fisheries in line with the precautionary approach, in accordance with article 6 (6) of the Agreement, and ensure that such measures, inter alia, catch and effort limits, remain in force until sufficient data allow for the assessment of the impact of the fisheries on the long-term sustainability of stocks, whereupon conservation and management measures based on that assessment should be implemented.

(d) Strengthen implementation of an ecosystem approach through promoting and conducting scientific research in support of fisheries management, applying appropriate risk assessment tools and conducting stock assessments to conserve and manage associated and dependent species and their habitats, and adopting management measures for currently unregulated directed fisheries or for those species that are caught as by-catch and then traded commercially.

(e) Give effect to article 5 (d) of the Agreement by assessing the impacts of fishing, other human activities and environmental factors on target stocks and species belonging to the same ecosystem or associated with or dependent upon the target stocks.

3. Determination of reference points or provisional reference points for specific stocks

Apply the guidelines in annex II to the Agreement and:

(i) Determine, on the basis of the best scientific information available, precautionary target and limit reference points for specific stocks and provisional reference points when information for a fishery is poor or absent, in accordance with the precautionary approach, with a view to maintaining or restoring populations of harvested species at levels that can produce maximum sustainable yield, as qualified by relevant environmental and economic factors;

(ii) Determine actions to be taken if they are exceeded; and develop and implement fishery management strategies that have a high probability of ensuring that agreed stock-specific reference points are not breached;

(iii) Improve data collection and information-sharing in connection with the recovery of fish stocks.

4. Environmental factors affecting marine ecosystems, including adverse impacts of climate change and ocean acidification

(a) Strengthen efforts to study and address environmental factors affecting marine ecosystems, including adverse impacts of climate change and ocean acidification, and consider such impacts in establishing conservation and management measures for straddling fish stocks and highly migratory fish stocks.

(b) Explore ways to incorporate the consideration of the adverse impacts of climate change and ocean acidification and the uncertainties regarding such impacts on fisheries, including in relation to migration patterns and productivity, in decision-making processes related to the adoption of conservation and management measures, in line with the precautionary approach.

(c) Collaborate closely with other States, regional fisheries management organizations and arrangements, Regional Seas Conventions and Action Plans, scientific organizations, academia and civil society in conducting research to achieve an understanding of the impacts of, and risks associated with, climate change with respect to fish stocks, including the vulnerabilities of individual species to changes in marine ecosystems, with a view to identifying options for reducing such risk and promoting the health and resilience of marine ecosystems, sharing information and identifying and sharing best practices in this regard.

5. Achievement of compatible measures

(a) Strengthen efforts to improve cooperation between flag States whose vessels fish on the high seas and coastal States, including within regional fisheries management organizations and arrangements, so as to ensure compatibility of measures for the high seas and for areas under national jurisdiction with respect to

straddling fish stocks and highly migratory fish stocks, in accordance with article 7 of the Agreement and relevant provisions of the Convention.

(b) Seek practical options for operationalizing the sharing of information, facilitating capacity-building in monitoring, control and surveillance and data collection, and improving decision-making processes in regional fisheries management organizations and arrangements, where required, with a view to promoting the compatibility of measures put in place for the conservation and management of straddling fish stocks and highly migratory fish stocks.

6. Development of area-based management tools

(a) Develop appropriate area-based management tools, including closed areas, marine protected areas and marine reserves and criteria for their implementation, to effectively conserve and manage straddling fish stocks, highly migratory fish stocks and high-seas discrete stocks and protect habitats, marine biodiversity and vulnerable marine ecosystems, on a case-by-case basis, and in accordance with the best available scientific information, the precautionary and ecosystem approaches and international law, recalling the commitment under the 2030 Agenda for Sustainable Development to, by 2020, conserve at least 10 per cent of coastal and marine areas, consistent with national and international law and based on the best available scientific information.

(b) Combine, to the extent possible, the development and implementation of area-based management tools with other appropriate conservation and management measures, taking into account the need to avoid negative impacts such as overfishing in other areas which may be caused by the displacement of the fishing efforts resulting from the adoption of such tools.

(c) Ensure that area-based management tools are dynamic and flexible in order to account for ecological connectivity and are subject to periodic review to assess their effectiveness in achieving their objectives, taking into account relevant guidelines, such as those developed by FAO, as well as the unique characteristics of straddling fish stocks and highly migratory fish stocks.

(d) Ensure that sufficient resources are allocated to the monitoring, control and surveillance of the implementation of area-based management tools.

7. Reduction of fishing capacity to levels commensurate with the sustainability of fish stocks

(a) Reaffirm the commitment to urgently reduce the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks, through the establishment of target levels and plans or other appropriate mechanisms for ongoing capacity assessment, while avoiding the transfer of fishing capacity to other fisheries or areas in a manner that undermines the sustainability of fish stocks, including, inter alia, those areas where fish stocks are overexploited or in a depleted condition, recognizing in this context the legitimate rights of developing States to develop their fisheries for straddling fish stocks and highly migratory fish stocks consistent with article 25 of the Agreement, article 5 of the Code of Conduct for Responsible Fisheries of FAO and paragraph 10 of the International Plan of Action for the Management of Fishing Capacity adopted by FAO.

(b) Develop and implement a range of measures for reducing fishing capacity to levels commensurate with the sustainability of fish stocks, including capacity assessment and capacity management plans providing incentives for voluntary reduction, which take into account all of the factors that contribute to fishing capacity, including, but not limited to, engine power, fishing gear technology, fish detection technology and storage space.

(c) Improve transparency concerning fishing capacity, including by identifying, sharing and publicizing relevant information in this regard.

8. Elimination of subsidies that contribute to illegal, unreported and unregulated fishing, overfishing and overcapacity

(a) Implement the commitment under the 2030 Agenda for Sustainable Development to, by 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation.

(b) Consistent with World Trade Organization rules, enhance data availability and transparency on fisheries subsidies in order to fulfil the commitment under the 2030 Agenda for Sustainable Development, including by making information on subsidies available publicly.

9. Lost, abandoned or otherwise discarded fishing gear including marine debris

(a) Recognize the links between lost, abandoned or otherwise discarded fishing gear and wider problems of pollution of the marine environment and the challenge of marine debris, including plastics and microplastics.

(b) Enhance efforts to prevent and mitigate the impacts of all kinds of lost, abandoned or otherwise discarded fishing gear (including from so-called ghost fishing and marine debris from plastics and microplastics), establish mechanisms and incentives for the regular retrieval of derelict gear and adopt mechanisms for monitoring and reducing discards of fishing gear, in support of the commitment under the 2030 Agenda for Sustainable Development to, by 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution.

(c) Improve cooperation and utilize a wide range of economic and innovative options to address the problem, including mechanisms for the retrieval of lost, abandoned or otherwise discarded fishing gear, identification of owners of gear and gear registries, observer coverage and information campaigns.

10. Data collection and sharing of information

(a) Improve the collection and sharing of data on catches, in accordance with annex I to the Agreement, including by-catch and discards, in order to improve stock assessments, as well as on related economic and social information, taking into account confidentiality requirements, and recognizing that the timely collection, compilation and analysis of data are fundamental to the effective conservation and management of straddling fish stocks and highly migratory fish stocks.

(b) Improve understanding of the underlying causes of the lack of timely, complete and accurate submission of data and develop means of overcoming these difficulties through the utilization, as appropriate, of both incentives and disincentives, including sanctions and other compliance measures (e.g., "no data no fishing"), taking into account the special requirements of developing countries.

(c) Improve cooperation and, to the extent possible, develop standards or standardized requirements for the collection and sharing of data on catch and fishing effort and consider new tools for fisheries-independent data collection.

(d) Recognize the importance of the Assistance Fund established under Part VII of the Agreement and the provision of financial and technical assistance by RFMO/As in strengthening the capacity of developing countries to participate in fisheries and comply with obligations on data collection and information-sharing.

11. FAO data arrangements and the global fisheries statistics database

(a) Fulfil their obligations in connection with the collection and submission of data and information on fisheries to FAO.

(b) Consider ways to improve both the collection of data and information and their dissemination to FAO on fisheries both within and beyond areas of national jurisdiction, recognizing confidentiality requirements in national law.

12. Conservation and management of sharks

Taking into account the International Plan of Action for Conservation and Management of Sharks, adopted by FAO, including the precautionary approach, encourage cooperation in the management and conservation of shark species through their participation under appropriate instruments and strengthen the conservation and management of sharks by:

(i) Establishing and implementing species-specific data collection requirements for shark species caught in directed shark fisheries or as by-catch in other fisheries;

(ii) Conducting biological assessments for such shark species;

(iii) Developing science-based conservation and management measures for sharks;

(iv) Strengthening, on the basis of the best scientific information available, enforcement of existing prohibitions on shark finning by requiring that sharks be landed with their fins naturally attached or through different means that are equally effective and enforceable.

13. Conservation and management measures for deep-sea fisheries

(a) Continue to establish and implement long-term conservation and management measures for deep-sea fisheries in accordance with relevant General Assembly resolutions and the International Guidelines for the Management of Deep-sea Fisheries in the High Seas of FAO.

(b) Improve the data collection and cooperation of States and RFMO/As in regard to the conservation and management measures for deep-sea fisheries, including the use of the precautionary approach.

14. Strengthening of the science-policy interface

Strengthen interaction between fisheries managers and scientists, and other stakeholders, to ensure that conservation and management measures are based on the best available scientific evidence and meet the management objectives set by the regional fisheries management organization or arrangement, through a regular review process, taking into account the adverse impacts of climate change and ocean acidification.

15. Establishment of rebuilding and recovery strategies

Where a stock is identified as being overfished, establish rebuilding and recovery strategies, with time frames and probabilities of recovery aimed at bringing the stock back at least to levels that can produce the maximum sustainable yield, guided by scientific assessments and periodic evaluation of progress.

16. By-catch management and discards

(a) Minimize by-catch and reduce or eliminate discards, taking into account the relevant targets under the Sustainable Development Goals, inter alia, by improving selectivity of fishing gear, reducing catch of juveniles, adopting environmentally friendly material and improving data collection and monitoring, control and surveillance.

(b) Encourage the widest application of the International Guidelines on Bycatch Management and Reduction of Discards of FAO.

17. Compliance with obligations as members or cooperating non-members of regional fisheries management organizations and arrangements

(a) Comply fully with their obligations as members or cooperating non-members of RFMO/As by fully applying conservation and management measures adopted, including through the timely, complete and accurate submission of fisheries data; create incentives to promote compliance with those obligations, including through providing developing States with enhanced support for capacity-building; and take steps to address persistent failure to fulfil those obligations.

(b) Strengthen mechanisms within RFMO/As for promoting compliance, including through the establishment and strengthening of a regular process of review. To the extent possible, RFMO/As should cooperate and seek to harmonize measures so as to foster compliance.

18. Establishment of new regional fisheries management organizations or arrangements

In order to avoid any geographical or species gaps among RFMO/As, consider the establishment of new organizations and arrangements as soon as possible, including by transforming existing regional fisheries advisory bodies into RFMO/As, and agree on interim measures based on the best scientific information available and on the precautionary approach, until such organizations and arrangements are established. Where RFMO/As already exist, consider the expansion of their geographical and/or species coverage to close those gaps.

B. Mechanisms for international cooperation and non-members

1. Strengthening mandates and measures in regional fisheries management organizations and arrangements

(a) Modernize the mandates of RFMO/As, where this has not yet occurred, to ensure that they encompass explicit provisions for the use of modern approaches to fisheries conservation and management, as set forth in the Agreement and other relevant international instruments, including with respect to the aspirations of developing States, particularly the least developed among them and small island developing States.

(b) Promote the early entry into force of revised agreements for RFMO/As and recently concluded treaties establishing new organizations and arrangements.

2. Performance reviews and best practice guidelines

(a) Undertake regular performance reviews of RFMO/As which include some element of independent evaluation, while seeking relevant information from all stakeholders.

(b) Develop best practice guidelines for conducting performance reviews and implementing their results, inter alia, where appropriate, through the use of Kobe-like processes by other RFMO/As, while ensuring consistency and harmonization to the extent possible.

(c) Establish mechanisms for follow-up actions in response to performance reviews, including the implementation of the recommendations, when necessary, in a timely manner, including such facets as transparency, publicity and accountability, and ensure that information on actions taken to implement the recommendations emanating from performance reviews are made publicly available.

3. Strengthening and enhancing cooperation and coordination among regional fisheries management organizations and arrangements

(a) Encourage the RFMO/As of which they are members to strengthen cooperation through the establishment of joint working groups or other mechanisms to facilitate the development of harmonized or consistent measures across RFMO/As, particularly with regard to data collection and sharing, mitigating and managing the by-catch of non-target and associated and dependent species, implementing an ecosystem approach and promoting effective and consistent implementation of monitoring, control and surveillance tools, and sharing positive and negative lists of vessels.

(b) Strengthen cooperation and coordination between regional fisheries management organizations and Regional Seas Conventions and Action Plans.

4. Participation in regional fisheries management organizations and arrangements

(a) Develop mechanisms through which to invite States with a real interest in the fisheries concerned and commit to providing incentives, where needed, to encourage non-members to join the regional fisheries management organizations, including the sharing of technology and expertise, assistance in the development of appropriate frameworks, and enhancement of enforcement capabilities, recalling that

only those States that are members of regional fisheries management organizations or that agree to apply the conservation and management measures established by them shall have access to the fishery resources to which those measures apply.

(b) Where appropriate, strengthen efforts to agree on participatory rights and allocation criteria for members, new members and cooperating non-members of RFMO/As, giving due regard to the aspirations of developing States, particularly the least developed among them and small island developing States, and the status of the stocks.

(c) Ensure that all States exhibiting a real interest are able to become members of RFMO/As, on the condition that they have demonstrated their interest and capacity to comply with the measures adopted by the RFMO/As concerned, including their willingness to effectively exercise flag State control, while recognizing the need to enhance the capacity of developing States in this regard.

5. Improvement of decision-making rules and procedures in regional fisheries management organizations and arrangements

(a) Address participatory rights through, inter alia, the development of transparent criteria fo. allocating fishing opportunities, taking due account, inter alia, of the status of the relevant stocks and the interests of all those with a real interest in the fishery.

(b) Ensure that post opt out behaviour is constrained by rules for preventing opting-out parties from undermining conservation, by establishing clear processes for dispute resolution and for the adoption of alternative measures with equivalent effect that would be implemented in the interim.

(c) Improve the transparency of RFMO/As, in terms of both decision-making that incorporates the precautionary approach and the best scientific information available and providing for the reasonable participation of intergovernmental and non-governmental organizations under the rules and procedures of those organizations and arrangements.

(d) Encourage RFMO/As to review their decision-making procedures, noting the need for procedures that facilitate the adoption of conservation and management measures in a timely and effective manner and, in particular, to consider provisions for voting and objection procedures.

6. Implementation of interim measures

Ensure implementation of interim measures adopted by the participants in negotiations on developing new RFMO/As that are not yet in force; provide the appropriate interim bodies with complete and accurate fisheries data so as to facilitate the effective implementation of those interim measures; and provide for a periodic review of such measures in the light of the status of the resource concerned based on updated scientific advice.

7. Effective control by flag States as members of regional fisheries management organizations and arrangements

(a) Strengthen effective control over vessels flying their flag and ensure that such vessels comply with, and do not undermine, conservation and management measures adopted by RFMO/As.

(b) Develop the capacity of the members of RFMO/As to comply with conservation and management measures.

(c) Ensure that flag States have the ability to fulfil their responsibilities with regard to vessels flying their flag, before they grant the right to fly their flag to fishing vessels or issue authorization for fishing to such vessels.

C. Monitoring, control and surveillance, compliance and enforcement

1. Strengthening of flag State responsibility

(a) Cooperate on examining and clarifying the "genuine link" in relation to the duty of flag States to exercise effective control over fishing vessels flying their flag.

(b) Strengthen effective control over vessels flying their flag, and exercise due diligence, including by developing or amending national rules and regulations, where needed, in order to ensure that such vessels do not engage in illegal, unreported and unregulated fishing and otherwise comply with, and do not undermine, conservation and management measures adopted by RFMO/As, while reaffirming the importance, under international law, including as reflected under the Convention and the Agreement, of the responsibilities of flag States regarding fishing vessels flying their flag, including with respect to safety at sea and labour conditions on fishing vessels.

(c) Encourage States to strengthen their capacity to take action against vessels flying their flag that have engaged in illegal, unreported and unregulated fishing, including through the imposition of adequate sanctions as an alternative to deregistering such vessels, thereby rendering them without nationality.

(d) Effectively implement the duty of flag States under the Convention with respect to labour conditions, taking into account applicable international instruments and national laws; and in this regard, encourage States to become parties to the Work in Fishing Convention, 2007 (No. 188) and implement the Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188).

(e) Develop measures for prohibiting supply, transport and refuelling vessels flying their flag from engaging in operations with vessels listed by RFMO/As as engaging in illegal, unreported or unregulated fishing, under their applicable national legislation.

(f) Encourage the utilization of a wide range of cost-effective tools and new and emerging technologies to strengthen effective control over fishing vessels, including closed-circuit television, vessel monitoring systems, vessel monitoring centres, electronic reporting, observer coverage and vessel lists, and call for improved cooperation, coordination, sharing of information and the development of

best practices in this regard, bearing in mind the need for confidentiality, as appropriate.

2. Assessment of flag State performance

(a) Promote the implementation of the Voluntary Guidelines for Flag State Performance as a valuable tool for strengthening compliance by flag States with their duties and obligations, and urge all flag States to implement the Guidelines as soon as possible, including, as a first step, by carrying out a voluntary assessment.

(b) Develop regional or global guidelines for fisheries sanctions to be applied by flag States so that those States may evaluate their sanctions systems with a view to ensuring that they are effective in securing compliance and deterring violations.

3. Fishing vessels without nationality

Encourage States to take necessary measures consistent with international law, including, where relevant, by adopting domestic legislative provisions, to prevent fishing vessels without nationality from engaging in fishing or fishing-related activities and to take effective enforcement action, recognizing that fishing vessels without nationality operate without governance and oversight and undermine the objectives under the Agreement and measures adopted by RFMO/As and, where fishing in areas covered by RFMO/As, are engaged in illegal, unreported and unregulated fishing.

4. Participation under the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of FAO and the adoption of port State measures

(a) Encourage States to become parties to and fully implement the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of FAO and, in the interim, to adopt and apply port State measures consistent with that Agreement, including through RFMO/As that have not already done so, noting that the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing establishes minimum standards and does not preclude the adoption of more stringent measures, as appropriate, in accordance with international law.

(b) Call upon States and RFMO/As to contribute to the established funding mechanisms and to provide other financial and technical assistance and capacity-building, including through FAO, to assist developing States in the implementation of that Agreement, recognizing the special requirements of developing States, in particular the least developed among them and small island developing States, in relation to the implementation of port State measures, as set out in article 21 of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

5. Control over fishing activities of nationals

(a) Strengthen domestic and other mechanisms for identifying and deterring nationals and beneficial owners from engaging in illegal, unreported and unregulated fishing activities and facilitate cooperation to ensure that such actions

can be investigated, and sanctions of adequate severity, having a deterrent effect and depriving them of accrued benefits, can be imposed so as to deprive nationals and beneficial owners of the benefits of such activities.

(b) Control fishing activities of their nationals, to the extent possible, that undermine the effectiveness of conservation and management measures adopted in accordance with international law and take measures and cooperate to ensure compliance by their nationals in order to prevent, deter and eliminate illegal, unreported and unregulated fishing.

(c) Improve cooperation and coordination between States and RFMO/As in the sharing of information and intelligence to ensure effective control over fishing vessels and compliance by nationals and to prevent, deter and eliminate illegal, unreported and unregulated fishing, taking into account in this regard the role of the International Criminal Police Organization (INTERPOL) and other enforcement bodies.

6. Strengthening compliance, cooperation and enforcement schemes in regional fisheries management organizations and arrangements

(a) Adopt, strengthen and implement compliance and enforcement schemes in all RFMO/As; enhance or develop mechanisms for coordinating monitoring, control and surveillance measures, including those directed at non-members, between RFMO/As and with relevant market States; and ensure the fullest possible exchange of monitoring, control and surveillance information related to illegal, unreported and unregulated fishing activities.

(b) Ensure the compliance of fishing vessels with obligations and requirements for vessel monitoring systems adopted by RFMO/As and also ensure that all vessels fishing on the high seas carry vessel monitoring systems as soon as practicable.

(c) Assess annually the compliance of members with measures of RFMO/As and, where appropriate, cooperation of non-members with respect to those measures; improve transparency, including through regular review of compliance schemes, and create incentives to promote compliance and cooperation with respect to those measures; and take steps to address persistent non-compliance and non-cooperation, while noting in this regard the special requirements of developing countries and the need for capacity-building.

(d) Encourage States and RFMO/As to utilize a wide range of tools and new and emerging technologies to strengthen compliance, cooperation and enforcement schemes in RFMO/As, including monitoring, control and surveillance, vessel monitoring systems, vessel monitoring centres, electronic reporting, observer coverage, catch documentation schemes, vessel identifier systems, vessel lists and joint at-sea boarding inspection, while noting the need for a balanced approach for developing and developed States.

(e) Call for improved cooperation and coordination in order to strengthen compliance and enforcement schemes in RFMO/As, including through the sharing of information, vessel lists and best practices, bearing in mind the need for confidentiality, as appropriate.

(f) Note the importance of the development of a global record of fishing vessels and unique vessel identifiers for strengthening compliance, and encourage in

this regard States and RFMO/As to use, as a first step, the International Maritime Organization (IMO) Ship Identification Number Scheme for fishing vessels of 100 gross tonnage and above, adopted by the IMO Assembly in its resolution A.1078 (28) of 4 December 2013.

(g) Call for improved cooperation and coordination among flag States, port States, coastal States and market States with a view to improving compliance, cooperation and enforcement.

7. Development of alternative mechanisms for compliance and enforcement in regional fisheries management organizations and arrangements

Recognize that the development within regional fisheries management organizations of alternative mechanisms for compliance and enforcement, in accordance with article 21 (15), of the Agreement, including other elements of a comprehensive monitoring, control and surveillance regime which effectively ensures compliance with the conservation and management measures adopted by the regional fisheries management organization and arrangement, could facilitate accession to the Agreement by some States.

8. Regulation of trans-shipment, supply and refuelling vessels

(a) To the maximum extent possible encourage trans-shipment to occur in ports. In the case of trans-shipment at sea, call upon States and RFMO/As that have not done so to adopt clear and stringent measures for monitoring and regulating trans-shipment activity, including, as a minimum, verification of the registration of such vessels, prior notifications of such activities, vessel monitoring systems and observer coverage, encouraging to the extent possible real-time reporting.

(b) Develop measures to prohibit supply, transport and refuelling vessels flying their flag from engaging in operations with vessels listed as engaging in illegal, unregulated or unreported fishing.

(c) Improve cooperation and coordination relating to trans-shipment at sea, including in the sharing of information and vessel lists and in the making of such lists publicly available.

(d) Continue to encourage and support FAO in its engagement in the study of the current practices of trans-shipment as it relates to fishing operations for straddling fish stocks and highly migratory fish stocks and produce a set of guidelines for this purpose.

9. Strengthening fisheries access agreements

(a) Taking into account the provisions of the FAO Voluntary Guidelines for Flag State Performance, call upon States to strengthen fisheries access agreements to promote good governance, in accordance with the Convention and the Agreement, of fisheries activities of fishing vessels operating under the access agreement not flying the flag of the coastal State providing fisheries access within the areas under the jurisdiction of that State, including by providing sectoral assistance, inter alia, for monitoring, control and surveillance, compliance and enforcement.

(b) Encourage greater transparency regarding fisheries access agreements, including by making them publicly available, subject to confidentiality requirements.

10. Market-related measures

(a) Take necessary measures, consistent with international law, to ensure that only fish that have been taken in accordance with applicable conservation and management measures reach their markets, and take steps consistent with national and international law to require those involved in fish trade to cooperate fully to this end; and, at the same time, recognize the importance of market access, in accordance with provisions 11.2.4, 11.2.5 and 11.2.6 of the Code of Conduct for Responsible Fisheries of FAO, for fishery products and fish caught in a manner that is in conformity with the applicable conservation and management measures, including by enhancing consistency between the actions of States and those of regional fisheries management organizations, in order to maintain market access, recognizing that particular attention should be drawn to fish products landed in ports located outside flag States.

(b) Prevent illegally harvested fish or fish products from entering into commerce through the greater use and better coordination of catch documentation schemes and other market-related measures, strengthen law enforcement cooperation and facilitate the commerce in fish or fish products caught in a sustainable manner.

(c) Call for the timely finalization of FAO voluntary guidelines on catch documentation schemes and other market-related measures.

11. Participation in and provision of support to the International Monitoring, Control and Surveillance Network for Fisheries-related Activities

Join the International Monitoring, Control and Surveillance Network for Fisheries-related Activities and share information and practices that would strengthen enforcement of fisheries conservation and management measures, as well as support the enhancement of the Network, including through the provision of funding.

12. Participation under the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and development of a global record of fishing vessels

(a) Intensify efforts to promote universal acceptance of the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.

(b) Cooperate with FAO to develop a comprehensive Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, which incorporates all available information on beneficial ownership, subject to confidentiality requirements in accordance with national law.

(c) Expedite efforts through FAO, in cooperation with IMO, to create a unique vessel identifier system as part of a comprehensive Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, using, as a first step, the IMO Ship Identification Number Scheme.

(d) Stress the need for further cooperation among RFMO/As, including for the preparation of consolidated lists, such as the Consolidated List of Authorized Vessels and the List of Vessels Presumed to Have Carried out Illegal, Unreported,

and Unregulated Fishing Activities, which are complementary to the work undertaken at the global level.

D. Developing States

1. Take concrete measures to enhance the ability of developing States to develop their fisheries for straddling fish stocks and highly migratory fish stocks, including facilitating access to such fisheries, consistent with articles 24 and 25 of the Agreement.

2. Enhancing the participation of developing States in regional fisheries management organizations and arrangements

(a) Enhance the participation of developing States in RFMO/As, including through facilitating access to fisheries for straddling fish stocks and highly migratory fish stocks, in accordance with article 25 (1) (b), of the Agreement, taking into account the need to ensure that such access benefits the States concerned and their nationals.

(b) Establish mechanisms to assist developing States in RFMO/As that do not already have such mechanisms and ensure that those mechanisms support the implementation of the Agreement in its entirety.

3. Strengthening the capacity of developing States

(a) Cooperate with and assist developing States in designing, strengthening and implementing their domestic regulatory fisheries policies and those of RFMO/As in their regions.

(b) Identify the challenges to and provide assistance in building the capacity of developing States, in particular the least developed among them and small island developing States, to implement the Agreement, particularly in the areas of science; data collection and reporting; monitoring, control and surveillance; port and flag State control; and fisheries conservation and management, facilitating access to and development of sustainable fisheries for straddling fish stocks and highly migratory fish stocks.

(c) Promote coherence in the provision of such assistance and cooperation, both by individual Governments and through international mechanisms.

(d) Ensure that the compilation of sources of funding available to developing States is kept readily available and up to date so as to make such forms of assistance more accessible to developing States.

(e) Build the capacity of, and urge further development and mainstreaming of strategies to assist, developing States, in particular small island developing States and least developed countries, with respect to participating in high-seas fisheries, including for straddling fish stocks and highly migratory fish stocks, receiving a greater share of the benefits from sustainable fisheries of such stocks, developing their national capacity to exploit fishery resources, consistent with the duty to ensure conservation and management of those resources, and improving market access, strengthening regional efforts to sustainably conserve and manage such stocks in support of the 2030 Agenda for Sustainable Development.

4. Strengthening of capacity-building mechanisms and programmes, including the Assistance Fund under Part VII of the Agreement

(a) Invite FAO and the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat to (i) further publicize the availability of assistance through the Assistance Fund under part VII of the Agreement; and (ii) solicit the views of developing States parties regarding the application and award procedures under the Assistance Fund, and consider changes, where necessary, aimed at improving the process, including prioritizing activities.

(b) Collectively, through their RFMO/As, establish a link to the Assistance Fund home page (www.un.org/Depts/los/convention_agreements/fishstocktrustfund/fishstocktrustfund.htm) on the website of those organizations and arrangements.

(c) Urgently contribute to the Assistance Fund so as to allow for the diversified use of the Fund in accordance with its terms of reference. Such assistance should be targeted to such areas as (i) stock assessment and scientific research; (ii) data collection and reporting; (iii) monitoring, control and surveillance; (iv) port State control; (v) compliance with market and trade-related measures and meeting of market access requirements, including with respect to health and quality standards; (vi) development of fisheries for straddling fish stocks and highly migratory fish stocks; (vii) human resource development; (viii) sharing of information, including vessel information; (ix) flag State responsibility; and (x) settlement of disputes.

5. Avoiding adverse impacts on, and ensuring the access to fisheries of, subsistence, small-scale and artisanal fishers and women fish workers, as well as indigenous peoples in developing States

(a) Avoid adverse impacts on, and ensure the access to fisheries of, subsistence, small-scale and artisanal fishers and women fish workers, as well as indigenous peoples in developing States, particularly small island developing States, when establishing conservation and management measures for straddling fish stocks and highly migratory stocks.

(b) Encourage States to implement the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication, as appropriate, while ensuring that important management principles, such as maximum sustainable yield management, the ecosystem and precautionary approaches and science-based management, are respected.

6. Avoiding the transfer of a disproportionate burden of conservation action onto developing States

Further develop and implement, as a matter of urgency, the common understanding of the concept of "disproportionate burden", including by better defining the concept, quantitatively and qualitatively, as envisaged in article 24 (2) (c) of the Agreement.

E. Non-parties

1. Promotion of wider participation in the Agreement

(a) Call upon all States that are involved or may become involved in fisheries for straddling fish stocks and highly migratory fish stocks that have not yet done so to become parties to the Agreement, in particular those that are already members of RFMO/As.

(b) Disseminate, inter alia, through the RFMO/As of which they are members, information concerning the Agreement, including its objective and the rights that it bestows and the duties that it imposes, as well as potential benefits arising from becoming a party to the Agreement.

(c) Identify problems hindering further ratifications or accessions to the Agreement, and strengthen the dialogue with non-parties, with a view to taking action to broaden participation under the Agreement.

F. Dissemination of the final report and further reviews

14. The resumed Review Conference agreed to request the President of the Conference to transmit the final report of the Conference to the secretariats of all RFMO/As, including, where possible, those under negotiation, and to the General Assembly, IMO, FAO and other relevant organizations, and to highlight the relevant recommendations and requests for action contained in the report.

15. The resumed Review Conference also agreed:

(a) That the Review Conference has provided a useful opportunity to assess the effectiveness of the Agreement and its implementation, while noting that further review is also necessary;

(b) To continue the informal consultations of States parties to the Agreement and keep the Agreement under review through the resumption of the Review Conference at a date not earlier than 2020, to be agreed at a future round of informal consultations, and to request the Secretary-General to convene such meetings;

(c) That the resumed Review Conference will be mandated to assess the effectiveness of the Agreement in securing the conservation and management of straddling and highly migratory fish stocks by reviewing and assessing the adequacy of its provisions and, if necessary, proposing means of strengthening the substance and methods of implementation of those provisions in order to better address any continuing problems regarding the conservation and management of those stocks, as provided for in article 36 of the Agreement.

16. The resumed Review Conference recommends that the informal consultations of States parties be dedicated, on an annual basis, to the consideration of specific issues arising from the implementation of the Agreement, with a view to improving understanding, sharing experiences and identifying best practices for the consideration of States parties, as well as the General Assembly and the Review Conference.